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Microcopy No. 215

MINUTES OF THE SUPREME COURT OF THE UNITED STATES

Roll 3

Volumes H-L

January 8, 1838 - January 24, 1848

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

Washington: 1954

NOTES ON ROLL 3

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The first volume contains the minutes of the Court from January 8, 1838, to March 9, 1839; the second, from January 13, 1840, to March 12, 1842; the third, from January 9, 1843, to February 28, 1845; and the fourth, from March 3, 1845, to January 24, 1848.

VOLUME

H

January Term 1838.

At the Capitol of the United States in the City of Washington and District of Columbia, being the present seat of the National Government of the United States on the second Monday of January (being the eighth day of the same month) in the Year of our Lord one thousand eight hundred and thirty eight, and of the Independence of the United States the sixty second, the Supreme Court of the United States met agreeably to law. -

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean Associate
Henry Baldwin Justices. -
James M. Wayne
Philip P. Barbour
John Catron -

Alexander Hunter Esq. Marshal
William Thomas Carroll Clerk. -

Proclamation being made the court is opened. -

The Honorable John Catron, produced Letters Patent from the President of the United States dated the eighth day of March in the year of our Lord one thousand eight hundred and thirty seven and of the Independence of the United States of America the sixty first, appointing him an Associate Justice of the Supreme Court of the United States in the following words viz:-

"Martin Van Buren.

President of the United States of America

To all who shall see these presents Greeting:

Know Ye, That reposing special trust and confidence in the wisdom, uprightness and learning of John Catron of Tennessee, I have nominated, and by and with the advice and consent of the Senate, do appoint him one of the Associate Justices of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and Laws of the United States, and to have and to hold the said office, with all the powers, privileges and emoluments thereunto of right appertaining unto him the said John Catron, during his good behaviour.-

In Testimony Whereof, I have caused

the United States to be hereunto affixed.—

Given under my hand at the City of Washington, the eighth day of March in the year of our Lord one thousand eight hundred and thirty seven, and of the Independence of the United States the sixty first.—

Seal

Mr. Van Buren

By the President.

John Forsyth, Secretary of State."—

United States of America, District of Kentucky. Set.—

I Thomas B. Monroe Judge of the United States for the District of Kentucky do certify that John Catron Esqr. of the State of Tennessee who is by the within Commission appointed one of the Associate Justices of the Supreme Court of the United States appeared before me and in due form of law took the following oaths of office

1st I John Catron do solemnly swear that I will support the Constitution of the United States— So help me God.—

2d I John Catron do solemnly swear that I will administer justice without respect to persons and do

equal right to the poor and to the rich and that I will faithfully, and impartially discharge and perform all the duties incumbent on me as an Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding agreeably to the constitution and laws of the United States — So help me God." —

Given under my hand at Frankfort in said District this 1st day of May A.D. 1837 and in the Sixty first year of the Independence of the United States.

Tho.s B. Monroe — J.A.S. Dist. Ky.

Which were read in open court and he took his seat accordingly. —

On motion first made to the court in this behalf by Mr. Peters. It is ordered that Benjamin Gerhard Esquire of the State of Pennsylvania be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly. —

The court gave notice to the Bar that they would commence the call of the docket tomorrow under the rules of court. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday January 9th 1838.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin — Associate
James M. Wayne — Justices
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is open.

The Honorable John McKinley, presented Letters Patent from the President of the United States dated the twenty fifth day of September in the year of our Lord one thousand eight hundred and thirty seven and of the Independence of the United States of America the sixty second, appointing him an Associate Justice of the Supreme Court

of the United States in the following words viz:

"Martin Van Buren

President of the United States of America

To all who shall see these presents Greeting:

Know Ye, That reposing special trust and confidence in the wisdom, uprightness and learning of John McKinley of Alabama, I have nominated, and by and with the advice and consent of the Senate, do appoint him one of the Associate Justices of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that Office according to the Constitution and laws of the United States and to have and to hold the said office, with all the powers privileges and emoluments to the same of right appertaining, unto him the said John McKinley, during his good behaviour. —

In Testimony whereof, I have caused these Letters to be made patent and the seal of the United States to be hereunto affixed. — Given under my hand at the City of Washington, the twenty fifth day of September in the year of our Lord one thousand eight hundred and thirty seven and of the Independence of the United States

of America the Fifty Second. —

M. Van Buren

By the President:

— Jno Forsyth Secretary of State"

On motion first made to the Court in this behalf by Mr Pelton. It is ordered that F. Fleming Smith Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Samuel Hotton Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

On motion first made to the Court in this behalf by Mr Webster. It is ordered that Edward Curtis Esquire of the State of New York. T. Lyle Smith Esquire of the State of Illinois and Joseph S. Fillinghast Esquire of the State of Rhode Island be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly. —

Tuesday January 9th 1838 Continued.

The Postmast General of the United States. pff 26. vs Nancy Whitfield, Henry Blount & Samuel W. Fisk	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of [illegible]

Mr Attorney General of Counsel for the plaintiff having suggested that this case had been settled and decided by the Circuit Court now here moved the Court to dismiss this cause. On consideration whereof It is now here ordered and adjudged by this court that this cause be and the same is hereby dismissed and that it be so certified to the said Circuit Court. — "P. P. Mc Ch. hs. Taney"

Thomas Drummonds adms. pal 2. vs Appt. George Washingtons & ors	On motion of Mr Coxe of Counsel for the appellant. It is now here ordered by the Court that this cause

be and the same is hereby postponed to the foot of the docket. —

Nicholas Wilsons heirs 6. vs Pff in Er. The Life and Fire Insurance Company of New York.	On motion of Mr Webster of Counsel for the plaintiff in Error. It is now here ordered by the Court that

this cause be and the same is hereby postponed to the foot of the docket. –

Estate of John Hathaway vs William Lemon Exr	On motion of Mr Cox of counsel for the plaintiff in Error & it is ordered by the court that this cause be and the same is hereby postponed for the present. –
Lemuel Buchanan Exr vs Estate of Margaret Latimer Dec	On motion of Mr Webster of counsel for the plaintiffs in Error & it is ordered by the court that this cause be and the same is hereby postponed for the present. –
Estate of Margaret Latimer Dec vs William Pabst –	On motion of Mr Webster of counsel for the Defendant in Error. & it is ordered by the court that this cause be and the same is hereby postponed for the present. –

Tuesday January 9th 1838 Continued

Joseph Lynch Jeff'n &c.	This cause having been called for argument and no counsel appearing it is now here ordered by the court that the be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.
&c.	
Ambrose Carnage	

Johnson Pope. Jeff'n &c.	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.
vs	
The State of Georgia	

Nathaniel S. Benton Dist. Attorney &c. Appt	This cause was submitted to the consideration of the court on the record and printed arguments by Mr Attorney General in behalf of the appellant and by Mr Beardsley in behalf of the appellees.
vs	
M. T. Worley &c.	

John McKinney vs & vs pffin Er. John Carroll	The argument of this cause was commenced by Mr Lowe for the plaintiff in Error continued by Mr Underwood for the defendant in Error and concluded by Mr Lowe for the plaintiff in Error. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Wednesday January 11th 1838.

Pursuant to adjournment the court met this morning at the Capitol –

Present –

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley. Associate Justices. –

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

It is now here ordered by the court that Henry Neale Young of the District of Columbia be and he is hereby appointed Crier of this Court. Whereupon he was sworn to discharge the duties of said office faithfully and to support the constitution of the United States. –

On motion Ordered that Edward Ingler Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Estate of Margaret Schmirdt vs. In Error to Levi Hildebrand	On motion of Mr. Webster of Counsel for the defendant in Error. It is now here ordered by the Court that the cause be and the same is hereby postponed for the present. —

James M. Reynolds et al 12. In Error to James L. Douglass et al	On motion of Mr. Jones of Counsel for the defendant in Error. It is now here ordered by the Court that the cause be and the same is hereby postponed for the present. —

Thomas E. Thompson et al. plffs in 13. In Error vs Luke Tiernan	This cause (having been called for argument and no counsel appearing) It is now here ordered by the Court that the cause be

Wednesday January 11th 1838 Continued

and the same is hereby postponed to the foot of the docket under the 30th rule of this Court. —

John W. Ray Val &c. Pltff in Er. vs. Thomas Hunt Val &c.	On motion of Mr. Cook of Counsel for defendants in Error. It is now here ordered by the court that this cause be and the same is hereby postponed for the present. —

Benjamin R. Lyon Val &c. vs. James Auchinloss Val &c.	On motion of Mr. Butler of Counsel for the Plaintiff in Error. It is now here ordered by the court that this cause be and the same is hereby postponed for the present. —

The United States Pltff in Er. vs. Andrew M. Lamb	On motion of Mr. Key Council of Counsel for the Plaintiff in Error. It is now here ordered by the court that this cause be and the same is hereby postponed for the foot of the docket. —

The United States plaintiff in Error
vs
Andrew M. Faul

On motion of Mr Attorney General of Counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.—

The Bank United States
vs
Anne Daniel Ex'x

This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

The M. Clarke admr of
William W. Glenn
vs
Henry Matheson Ex'r.

This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

Proclamation being made the Court is adjourned

Thursday January 11th 1838.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley

Associate Justices.—

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on his behalf by W. Butler—It is ordered that J. B. H. Smith Esq. of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Nathaniel Williams et al vs The United States	On motion of Mr Attorney General of Counsel for the defendants in Error it is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.—
Steam Packet Co vs Maryland Ins Co Company	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this Court.—
New England Marine Insurance Company vs Ship Sarah Ann	On motion of Mr Webster of Counsel for the appellants. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.—

Thursday January 11. 1838 Continued

The Mayor &c of Georgetown Pl.ff vs Alexandria Canal Comp.y	On motion of Mr Cox of counsel for the appellee. It is now here ordered by the Court that this cause be and the same is hereby postponed for the present.

Charles Scott, Bailiff &c Pl.ff vs John Lloyd	On motion of Mr Cox of counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed for the present.

Pinkney Whiting &al. Pl.ff vs Bank Metropolis Mal.	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

Henry Foland. Pl.ff in Er. vs Horatio Sprague	On motion of Mr Colpin of counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed for the present.

John McNeil Pltff in Er vs Lowel Holbrook	This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.-
Manuel Garcia. Pltff in Er vs Samuel Fox	On motion of Mr Crittenden of counsel for the Pltff in Error - It is now here ordered by the Court that this cause be and the same is hereby postponed for the present -
Bank United States vs James Daniel Dall	This cause was submitted on the consideration of the Court on the record and printed arguments of counsel by Mr Crittenden on behalf of the Appellant and by Mr Allen on behalf of the appellees.-

Thursday January 11th 1838 Continued.

Thomas L. Owings Val 13. To Affirm & Heirs of Luke Tiernan.	Mr Chilton one of counsel for the plaintiffs in Error having stated to the court that the matters in controversy in this case had been agreed and settled between the parties, moved the court to dismiss this writ of Error. On consideration whereof, It is now here ordered by the court that this writ of error to the Circuit for the District of Kentucky be and the same is hereby dismissed. — "P. V. Ch: Jus: Taney"

John McKinney Val 1 To Affirm John Carroll —	Mr Jones of counsel for the plaintiffs in Error suggested to the court the administrator of John McKinney whose death has been suggested should be made a party to this writ and co plaintiff in Error with the surviving obligees in the Bond. Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider —

Thursday January 11th 1838 Continued

John Wilcox vs	Mr Cox of Counsel for
Wm. Ty	the defendants in Error
Thomas Hunt vs C	moved the Court to

dismiss this writ of error for irregularity on the ground that the writ of Error is sued out in the name of John Wilcox vs Thos. Whereas the writ of error should have been sued out in the names of all the defendants. Which was opposed by Col Benton of Counsel for the Plaintiffs in Error. Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises doth time to consider. -

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Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. -

Friday January 12th 1838.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices -
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened -

On motion first made to the court in this behalf by W. Butler. It is ordered that Amasa J. Parker Esquire of the State of New York was admitted an Attorney and Counsellor of this court and he was sworn accordingly. -

On motion first made to the court in this behalf by Mr Benton. It is ordered that Wm W. Potter Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

James White. pltff 31. vs Hiram K. Turk dft	This cause having been called for argument and no counsel appearing. It is now here ordered by this Court that this cause be and the same is hereby dismissed at the cost of the rocket under the 30th rule of this Court —

George Benton, Farmers & M. T. 32. vs pltffs in Er. Farmers Bank of Delaware	This cause was argued by Mr Martin & Mr Attorney General for the pltffs in Error. —

Thos W. Hepburn pltff in Er. 33. vs Oliver Ellsworth Defendant	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court

And this cause be and the same

John Zacharie & wife ..	This cause having been
34 " Jeffs in Er.	called for argument
Henry Franklin & wife	and no counsel appearing

It is now here ordered by the court that this cause be and the same is hereby postponed to the first of the docket.-

Joseph S Clarke Val. Appt	On motion of Mr Jones of
35. "	Counsel for the appellants
William T W. White,	It is now here ordered by

the Court that this cause be and the same is hereby postponed for the present.-

The Postmaster General U. S.	On motion of Mr Attorney
36. " Jeffs in Er	General of counsel for the
The U States on the relation	plaintiff in Error. It is
of Wm B. Stokes Val	now here ordered by the

Court that this cause be and the same is hereby postponed for the present.-

The Postmaster General U. S.	M motion of Mr Attorney Genl
37. " Jeffs in Er.	of counsel for the plaintiff in Error
The U States on the relation	It is now here ordered by the
of Wm B. Stokes Val	Court that this cause be and the

same is hereby postponed for the present.-

The United States pltff vs Laurent Combs	The cause was argued by Mr Attorney General for the plaintiff -
Moses E Levy - apltt vs F. M. Arredondo admr &c	This cause having been called for argument and no counsel appearing - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket -
William Simmons vs Charles H. Hall	This cause having been called for argument and no counsel appearing - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket -

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. -

Saturday January 13 1838

pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin — Associate
James M. Wayne — Justices -
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened -

On motion first made to the court in this behalf by Mr Butler It is ordered that Samuel Birdsall Esquire of the State of New York be admitted to practice as an attorney and counsellor of the court and he was sworn accordingly. -

Saturday January 13 1838. Continued

Ex parte. In the matter of
The Postmaster General U. S
vs
Stephen Rigg admr of
Elias Rector dec'd

On motion for a rule
on the District Judge
of the United States for
the District of Missouri
to show cause &c
Mr. Attorney General
having read in open court the following affidavit
to wit United States of America Missouri District ss
In the District Court March Term 1838.
P. M. General of U. States
vs
Administrator of E. Rector.

Motion by Plaintiffs
Attorney for Execution
to issue on the judgment
rendered in said cause at the September Term 1837
which motion was by the Court overruled -

United States of America Missouri District Court
Be it remembered that on this twenty third
day of December in the year 1837 at the District
aforesaid personally appeared Arthur F. Morgan
the Attorney of the United States for said District,
and the Judge of the United States for said
District being absent thereupon, made oath
before me Joseph Gamble Clerk of said District
Court that to the best of his knowledge, remem-
brance and belief the Judge of said District Court
stated that the only reason why he would not

order the said Clerk to issue an Execution in said cause was because by the law of the State of Missouri passed 30th December in the year 1825 it was provided that "no Execution should issue on any judgment or decree rendered against a Testator or Intestate during his life time, or against his executors or administrators after his death which judgment or decree constitutes a demand against the estate of any testator or intestate, within the provisions and meaning of an act entitled "an act concerning Executors and administrators" approved 21st February 1825, but all such demands shall be passed and proceeded on in the Court of Probate as required by said act" And further said affiant saith not -

Arthur L. Magenis - U. States

Attorney for the Missouri District -

Subscribed and Sworn to before me the 23d day of December 1834. Witness my hand and the seal of said Court. -

Seal

Wm Gamble Clk -

Now here moved the Court for a rule on the District Judge of the United States for the District of Missouri to show cause why a writ of mandamus should not be issued to him directed, commanding him to order an Execution to issue on

the judgment of this District Court in the above mentioned cause. Whereupon this Court not being now fully sufficiently advised of and concerning what order and judgment to render in the premises doth time to consider.—

Proclamation being made the Court is adjourned until Monday Morning at eleven o'clock.—

Monday January 15. 1838.

Pursuant to adjournment the court met this morning at the Capitol –

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley

Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened –

The State of Rhode Island & Providence Plantations v. Complt The Commonwealth of Mass.ts	Bill in Equity. – Messrs Webster & Austin of Counsel for the Defendant in this cause now here moved the court to dismiss the Com-

plainants Bill for the want of jurisdiction thereof. Whereupon it is now here ordered by the Court that the argument of said

Motion be and the same is hereby postponed for the present.—

Thomas Hammond's admr. Plt. in Er. vs George Washington's Exrs	On motion of Mr Ross of Counsel for the Plaintiff it is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.—

Heirs of John Kelker dec'd Plt. in Er. vs William Turner def't	On motion of Mr Key of Counsel for the Plaintiff—It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.—

Temperance Buchanan def't in Er. vs Heirs of Margaret Latimer def't	On motion of Mr Webster of Counsel for the Plaintiffs in Error. it is now here ordered by the Court that this Cause be and the same is hereby postponed to the foot of the docket.—

Monday January 15th 1838. Continued

Estate of Margaret Talcner Val 5. vs pff in Er William Polcet -	On motion of Mr Webster of counsel for the Defendant in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -
Nicholas Wilsons heirs pff in Er 6. vs Lessee &c Ins Co Comfy of N. York -	On motion of Mr Webster of counsel for the plaintiff in Error - It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -
Joseph Lynch pff in Er 8. vs Ambrose Carnage -	This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. -
Johnson Pope pff in Er 9. vs The State of Georgia	This cause having been called for argument and no counsel appearing It is now here ordered

by the court that this cause be and the same is hereby postponed to the foot of the docket.-

Estate of Margaret Salmon Vol 11. " David Meadowcroft	On motion of Mr Webster of counsel for the defendant in Error It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the Docket.

James M. Reynolds Vol 12. " James P Douglass Vol	On motion of Mr Jones of counsel for the defendants in Error. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

John McCoy Vol pltff in Er 14. " Thomas Hunt Vol	On motion of Mr Benton of counsel for the plaintiff in Error. It is now here ordered by the court that this cause be and the same is hereby postponed for the present. -

Monday January 15th 1838 Continued -

Daniel L. Strother pff in er 16. " John B. C. Lucas — ,	The argument of this cause was commenced by Mr Dawlee for the plaintiff in Error. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. -

Tuesday January 16th 1838.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Whittlesey. It is ordered that Henry H. Dodge Esquire of the State of Ohio be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday January 16 1838. Continued

On motion just made to the court in this behalf by Mr Peters It is ordered that Robert Hare Jr Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly—

Daniel S. Brother vs. Jeffries & John B. C. Lucas—	The argument of this cause was continued by Mr Dawlin for the plaintiff in error—

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock—

Wednesday January 17th 1838. —

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices —
Philip P. Barbour
John Catron
John McKinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened. —

On motion first made to the Court in this behalf by Mr: Peters. It is ordered that Benjamin F. Smith Esq. of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

3 3560.

Wednesday January 17th 1838 Continued

Samuel F. Strother. pff in Er	This cause was further argued
16. vs	by Mr. Lawless for the plain-
John B. C. Lucas	tiff in Error. -

(Proclamation being) made the Court is adjourned until tomorrow morning at eleven oclock. -

Thursday January 18th 1838 –

Pursuant to adjournment the Court met this morning at the Capitol –

Present –

The Honorable Roger B. Taney Chief Justice
Joseph Story
Gabriel Duvall
John McLean
Henry Baldwin Associate
James M. Wayne Justices –
Philip P. Barbour
John Catron
John McKinley –
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened. –

On motion first made to the Court in this behalf by Mr Fowler. It is ordered that Albert P Harrison Esquire of the State of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. –

Thursday 18th January 1838. Continued

Jesse Ward, William C. Rowan, Philip Johnson & Henry Stephens vs. The President & Directors of the Bank of the Commonwealth of Kentucky	In Error to the Court of Appeals for the State of Kentucky.
	Mr. Crittenden of Counsel for the defendants in Error

having filed and read in open court the following certified copies, towit:-

"The United States of America.

The President of the United States of America

To the Judges of the Court of Appeals in and for the Kentucky District

(Seal) Greeting.-

That be cause in the record and proceedings and also in affirming a Judgment of the Ohio District Court, wherein Jesse Ward, William C. Rowan, Philip Johnson and Henry Stephens were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants, and by the affirmance of the said judgment manifest error hath intervened to the great damage of the said Jesse Ward William C. Rowan, Philip Johnson & Henry Stephens as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner

and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.

Witness the Hon: Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 14th day of November 1836 and in the 61st year of our Independence

Attest Robt Hannah Clk K. D.

A Copy Teste Robt Hanna Clk K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the

Thursday January 18th 1838. Continued

Allowed by John McLean, Justice Supreme Court United States, 2d Circuit

the Kentucky District on behalf of Jesse Ward, William C. Rowan, Philip Johnson and Henry Stephens to reverse a judgment awarded in the Court of Appeals for the State of Kentucky wherein the said Jesse Ward, William C. Rowan, Philip Johnson and Henry Stephens were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard of any thing you have to say upon the said writ of error. Witness my hand as an Associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1836 and in the 61st Year of the Independence of the United States. John McLean

A copy Teste Jno H Hanna Clk U.S.

Know all men by these presents, that we Jesse Ward, William C. Rowan, Philip Johnson and Henry Stephens principal and Richard P. Nall their security are held and firmly bound unto

Thursday January 18th 1838. Continued

the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of five hundred dollars & the payment of which well and truly to be made we bind ourselves our heirs &c jointly and severally firmly by these presents. Sealed with our seals and dated this 11th day of November A.D. 1835.

And whereas at the April Term of the Ohio Circuit Court for the State of Kentucky in the year 1835 a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth against the said, Ward, Rowan, Johnson and Stephens for the sum of Two Hundred and twenty four dollars with interest thereon at the rate of six per centum per annum from the first day of December 1831 till paid and costs. - From which the said Ward, Rowan, Johnson & Stephens prayed an appeal to the Court of Appeals for the State of Kentucky and at the October Term of said Court in the year 1836 said Judgment of the Ohio Circuit Court was affirmed with ten per centum damages on the amount of damages accrued in the Court below and also their costs. The said Ward, Rowan, Johnson and Stephens having paid out of

writ of error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals. —

Now if the said A. and, Rowan, Shnea & Stephens shall prosecute the said writ of error with effect or in failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt, interest, damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States, then this obligation to be void, else to remain in full force and virtue — Richard P. Stall (Seal)

By Alex R. Depew his attorney in fact. —

United States of America }
8th Circuit Kentucky District } set —

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of error, Citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid. —

(Seal)

In Testimony whereof I have hereunto subscribed my name and affixed the seal of said court this 26th day

of June A.D. 1835 and in the 61st
Year of our Independence. —
Jno M Hamm"

Now here moved the Court in pursuance of the Thirtieth rule of this Court to have this writ of error docketed and dismissed. On consideration Whereof, it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed.

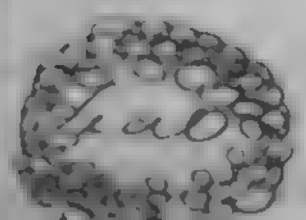
"R. B. Ch: Jus Taney" —

Robert Lightfoot, Edmund Lund & Richard Lund — vs. The President & Directors of the Bank of the Commonwealth of Kentucky.	In Error to the Court of Appeals for the State of Kentucky.

N. Carlisle Esq. Counsel for the Defendants in Error having filed and read in open Court the following Certified Copies, to wit.

"The United States of America

The President of the United States of America



To the Judges of the Court of Appeals in & for the Kentucky District. Greeting:

Thursday January 18th 1838. Continued –

That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Robert Lightfoot, Edmund Curd and Richard Curd were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were Defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Robert Lightfoot, Edmund Curd, & Richard Curd, and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf You are hereby commanded that if a judgment be given then under your seal You distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. –

Witness the Hon: Roger B. Taney, Chief Justice

of the Supreme Court of the United States, at Washington aforesaid this 11th day of November A.D. 1836 and in the 61st year of our Independence — Attest Jno. H. Hamm C.C.C.K.D.

A Copy Teste Jno. H. Hamm C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Robert Lightfoot, Edmund Lurd and Richard Lurd returnable to the Supreme Court of the United States on the Second Monday of January next to reverse a judgment wherein the said Robert Lightfoot, Edmund Lurd and Richard Lurd were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees, these are therefore to cite and command you that you be and appear in the Supreme Court of the United States on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the said writ of error. —

Witness my hand at my office in

Thursday January 18th 1838. Continued

the Supreme Court of the United States this 15th day of November A.D. 1836 and in the 61st year of the Independence of the United States. —

John McLean.

A Copy Test Jno H Hanna. C.C.C.K.D.

Know all men by these presents that we Robert Lightfoot, Edmund Curd & Richard Curd principal and B. Smith their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of three hundred dollars to the payment of which well and truly to be made we bind ourselves our heirs &c jointly and severally firmly by these presents sealed with our seals and dated this 12th day of November A.D. 1835.

Whereas at the July Term of the Ohio Circuit Court for the State of Kentucky a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Robert Lightfoot, Edmund Curd and Richard Curd for the sum of $137. with interest thereon at the rate of six per centum per annum from the first December 1830 until paid and Costs.

From which the said Robert Lightfoot, Edmund and Richard Curd prayed an appeal to the Court

Thursday January 18th 1838. Continued

of Appeals for the State of Kentucky and at the October Term of said Court in the year 1836, said judgment of the Ohio Circuit Court was affirmed with ten per centum damages and costs. And the said Robert Lightfoot, Edmund & Richard Curd having sued out a writ of error to the Supreme Court of the United States to reverse the said Judgt of the Court of Appeals. —

Now if the said Robert Lightfoot, Edmund & Richard Curd & B. Smith or either of them shall prosecute the said writ of error with effect or on failure pay to the President & Directors of the Bank of the Commonwealth of Kentucky the debt, interest damages & costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue. — Benjamin Smith (Seal)

By Alex R. Depew his atty in fact. —

United States of America }
5th Circuit Kentucky District } Set.

I John H. Hamm Clerk of the eighth Circuit Court of the United States of America in and for the Kentucky District aforesaid do

Thursday, January 8th 1838. Continued.

foregoing writ of error, citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid. —

In Testimony Whereof I have hereunto subscribed my name and affixed the Seal of said Court this 24th day of June A.D. 1837 and in the 61st year of our Independence. —

Seal

Jno. H. Hanna"

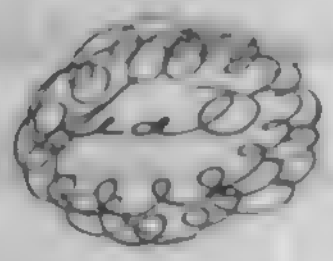
now here moved the court in pursuance of the thirtieth rule of this court, to have this writ of error docketed and dismissed. On Consideration Whereof it is now here ordered and adjudged by this court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed. — Pr. Mr. Ch. Jus. Taney. —

Robt. Tightfoot Richard Curd and Isaac Mosely Pffs in Er
60 "
The President & Directors of the Bank of the Commonwealth of Kentucky

In Error to the Court of Appeals for the State of Kentucky. —

Mr. Crittenden of Counsel for the defendants in Error having filed and read in open Court the following certified copies, to wit. —

"The United States of America.
The President of the United States of America



To the Judges of the Court of Appeals
in and for the Kentucky District.
Greeting:-

That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court, wherein Robert Lightfoot, Richard Cund and Jesse Mosely were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Robert Lightfoot Richard Cund and Jesse Mosley as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Court

Thursday January 18th 1838. Continued.

Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. —

Witness the Hon Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 14th day of November A.D. 1836 and in the 61st year of our Independence. —

Attest Wm. H. Hamma. C.C.C.K.D.

A Copy Teste Wm. H. Hamma. C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Robert Lightfoot Richard Curd and Jesse Mosely returnable to the Supreme Court of the United States on the second Monday in January next to reverse a judgment decreed in the Court of Appeals for the State of Kentucky wherein the said Robert Lightfoot Richard Curd and Jesse Mosely were appellants and the President and Directors of the Bank of the Commonwealth of

Thursday January 18th 1838. Continued.

Kentucky were appellees. —

These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard of any thing you have to say upon the said writ of error. —

Witness my hand and official Seal this 14th day of November A.D. 1836 and in the 61st year of the Independance of the United States. —

John McLean

A Copy Test Wm. T. Hamer. Clk. U.S.

Know all men by these presents, that we Robert Lightfoot, Richard Curd and Isaac Morely principal and B. Smith their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of Six thousand dollars to the payment of which well and truly to be made we bind ourselves, our heirs jointly & severally firmly by these presents sealed with our seals and dated this 11th day of November A.D. 1835.

Whereas at the July Term of the Ohio Circuit

Court for the State of Kentucky in the year 1836 a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Robert Lightfoot Richard Curd and Jesse Mosely for the sum of five hundred dollars with interest thereon at the rate of six per centum per annum from the 1st day of December 1830 until paid & costs. &

From which the said Robert Lightfoot &c prayed an appeal to the Court of Appeals for the State of Kentucky and at the October Term of said Court in the year 1836 said judgment of the Ohio Circuit Court was affirmed with ten per centum damages and costs and the said Robert Lightfoot, Richard Curd and Jesse Mosely having sued out a writ of error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals

Now if the said Robert Lightfoot, Richd Curd & Jesse Mosely & B. Smith or either of them shall prosecute the said writ of error with effect or in failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt interest damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United

States then this obligation to be void otherwise
to remain in full force and virtue -

Ben. Smith

By Alex R. Lapsley his attorney in fact.

United States of America
8th Circuit, Kentucky District } Set.-

I John H Hamm Clerk
of the 8th Circuit Court of the United States
of America in and for the Kentucky District
certify that the foregoing writ of error, Citation
& Bond are truly copied from the records in the
Clerks office of the Court aforesaid. -

In Testimony Whereof I have
hereunto subscribed my name
and affixed the seal of said
Court this 27th day of June A.D. 1837
and in the 61st year of our Independence. -

Seal

"Jno H. Hamm"

Now here moved the Court in pursuance of
the thirtieth rule of this Court to have this writ
of error docketed & dismissed. On Consideration
Whereof, it is now here ordered and adjudged
by this Court that this writ of error & the Court
of Appeals for the State of Kentucky be and
the same is hereby docketed and dismissed

Thursday January 18th 1838. Continued –

Richard P. Stall, Elijah Phipps, Dellis Dyer & William Eidson &c. pltffs in Er. vs. The President and Directors of the Bank of the Commonwealth of Kentucky. } In Error to the Court of Appeals for the State of Kentucky. –

Mr. Cullenden of counsel for the defendants in Error having filed and read in open court the following certified copies to wit –

"The United States of America –

The President of the United States of America

(Seal) to the Judges of the Court of Appeals in and for the District of Kentucky Greeting:

That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Richard P. Stall, Elijah Phipps, Dellis Dyer and William Eidson were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants, and by the affirmance of said judgment manifest error hath intervened to the great damage of the said R. P. Stall &c. as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties

Thursday January 18th 1838. Continued.

on this behalf you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and associate Justices of the Supreme Court of the United States on the second Monday in January next in the City of Washington the present seat of the National Government that they may cause to be done thereupon what of right ought to be done. —

Witness the Hon: Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 16th day of November A.D. 1836 and in the 61st year of our Independence —

Attest Jno H. Hanna. C.C.K.D.

a copy Test Jno H Hanna. C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky — in behalf of Richard P Stull, Elijah Phipps, Willis Dyer & William Eidson returnable to the Supreme Court of the United States

Thursday January 18th 1838. Continued.

Monday in January next to reverse a judgment decided in the Court of Appeals for the State of Kentucky wherein the said Richard P. Nall, Elijah Phipps, Silles Dyer and William Eidson were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the said writ of error.—

Witness my hand as an associate Justice of the Supreme Court of the United States this 15th day of November A.D. 1836 and in the 61st year of the Independence of the United States.— John McLean

A Copy Teste Wm. A. Hamm. Clk. K. D.

Know all men by these presents, that we Richard P. Nall, Elijah Phipps, Silles Dyer & William Eidson principal and Benjamin Smith their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of One thousand dollars to the payment of which well and truly to be made we bind ourselves our heirs &c jointly and severally firmly

by these presents Sealed with our Seals and dated this 11th day of November A.D. 1835.—

Whereas at the July Term of the Ohio Circuit Court for the State of Kentucky in the year 1835 a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Stall, Dyer, Phipps & Edson for the sum of four Hundred and Sixty dollars with interest thereon at the rate of Six per centum per annum from the 1st June 1832 till paid and costs —

From which the said N. P. Stall, E. Phipps, D. Dyer and W. Edson prayed an appeal to the Court of appeals for the State of Kentucky and at the October term of said Court A.D. 1836 said judgment of the Ohio Circuit Court was affirmed with ten per centum damages and costs. And the said Stall, Phipps, Dyer, Edson & Smith having sued out a writ of error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals

Now if the said Stall, Phipps, Dyer, Edson and Smith or either of them shall prosecute the said writ of error with effect, or in failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt, interest damages

Thursday January 18th 1838. Continued

and costs aforesaid, and such damages and costs as may be awarded against them in the Supreme Court of the United States then the obligation to be void else to remain in full force and virtue — Ben. Smith (Seal)

By Alex R. Dejean his Attorney in fact. —

United States of America }
8th Circuit Kentucky District } Set -

I, John K. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District, certify that the foregoing writ of error, Citation and Bond are truly copied from the records of the Clerks office of the Court aforesaid -

In Testimony whereof I have hereunto subscribed my name and affixed the seal of said Court this 23d day of June A. D. 1836 and in the 61st year of our Independence — Jno. K. Hanna"

(Seal)

now here moved the Court in pursuance of the thirtieth rule of this Court, to have this writ of error docketed and dismissed — On consideration whereof it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed. -

"P. V. C. Ch. Jus. Taney"

Thursday January 18th 1838 Continued.

Jesse Ward, Jesse Mosely and Bazil Ward Pl. in Err. vs. The President & Directors of the Bank of the Commonwealth of Kentucky Defts. in Err.

In Error to the Court of Appeals for the State of Kentucky — Mr. Crittenden of Counsel for the

Defendants in Error having filed and read in open Court the following citation, Vizt.

"The United States of America

The President of the United States of America.

To the Judges of the Court of Appeals in and for the Commonwealth of Kentucky — Greeting: —

That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Jesse Ward, Jesse Mosely, and Bazil Ward were plaintiffs and the President & Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Jesse Ward, Jesse Mosely and Bazil Ward as in their complaint has been alleged, and it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties

in this behalf you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.

Witness the Hon. Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 4th day of November A.D. 1836 and in the 61st year of our Independence —

Attest Jno. H. Hanna. C.C.C.K.D.

A Copy Teste Jno. H. Hanna C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Jesse Ward, Jesse Mosely, and Bazil Ward returnable to the Supreme Court of the

Thursday January 18th 1838. Continued.

next to reverse a judgment decided in Court of Appeals for the State of Kentucky wherein the said Jesse Ward, Jesse Mosely, and Bazil Ward were appellants and the said President and Directors of the Bank of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to Cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgt and to be heard if any thing you have to say upon the said writ of error. -

Witness my hand as an Associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1836 and in the 61st year of the Independence of the United States. - Wm. McLean

A Copy Test Hamilton C.C. & K.D.

Know all men by these Presents, that we Jesse Ward, Jesse Mosely and Bazil Ward principal and Richard P. Hall their Security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of two hundred dollars to which pay- ment well and truly to be made we bind ourselves our heirs &c firmly by these presents sealed with

our Seals and dated this 11th day of November AD 1836.

Whereas at the Ohio Circuit Court for the State of Kentucky in the year 1836 a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against said Isaac Ward, Isaac Mosely and Bazil Ward, for the sum of forty five dollars with interest thereon at the rate of six per centum per annum from the first day of December 1831 until paid and costs —

From which the said Ward Mosely and Ward prayed an appeal to the Court of Appeals for the State of Kentucky and at the October term of said Court in the year 1837 said Judgt of the Ohio Circuit Court was affirmed with ten per centum damages on the amount of damages accorded in the court below and costs, and Ward Mosley & Ward having sued out a writ of error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals.

Now if the above bound Isaac Ward, Isaac Mosely and Bazil Ward & Richard P. Hall shall prosecute the same writ of error with effect or in failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt, damages, interest and costs aforesaid and such damages & costs that may be awarded against them in the Supreme Court of the

United States then the obligation to be void, otherwise to remain in full force & virtue. —

Richard P. Hall (Seal)

By Alex R. Dupuy his Attorney in fact —

United States of America }
& Circuit Kentucky District } Set. —

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of error, Citation, & Bond are truly copied from the record in the Clerks Office of the Court aforesaid —

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court this 19th day of June A.D. 1837 and in the 61st year of our Independence —

(Seal)

Jno. H. Hanna "

Now here moved the Court in pursuance of the thirtieth rule of this Court, to have this writ of error docketed and dismissed — On Consideration Whereof, it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed — 'P. V. Ch. Jus: Taney: —

Thursday January 18th 1838. Continued

Andrew Sadlock, Richard Fairman and Geo. W. Thompson 63. &c. &c. plffs in Er The President & Directors of the Bank of the Commonwealth of Kentucky

In Error to the Court of Appeals for the State of Kentucky.-

Mr Crittenden of Counsel for the Defendants in Error having filed and read in open Court the following certified copies. to wit.-

"The United States of America

The President of the United States of America -

To the Judges of the Court of Appeals in and for the State of Kentucky. Greeting

That because in the record and proceedings and also in affirming a judgment of the Mercer Circuit Court wherein the President and Directors of the Bank of the Commonwealth of Kentucky were plaintiffs and Andrew Sadlock, Richard Fairman and George W. Thompson as in their complaint has been alleged. and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then make your Seal You distinctly and openly send the record and proceedings &c to the Court aforesaid

with all things concerning them and this writ,
to that you have the same before the Chief-
Justice and Associate Justices of the Supreme
Court of the United States on the Second Monday
in January next at the City of Washington
the present Seat of the National Government
that the record and proceedings aforesaid
being inspected that they may cause to be
done thereupon what of right ought to be done.-

Witness the Hon. Roger B. Taney Chief Justice
of the Supreme Court of the United States at
Washington aforesaid this 1st day of May A.D. 1833
and of our Independence the 57th -

Attest Jno. H. Hanna. C.C.K.D.

A Copy Teste Jno. H. Hanna. C.C.K.D.

To the President and Directors of the Bank of the
Commonwealth of Kentucky -

Whereas a writ of error hath been issued
by the Clerk of the Seventh Circuit Court of the
United States of America in and for the Kentucky
District on behalf of Andrew Paddock, Richard
Fairman and George W Thompson returnable to
the Supreme Court of the United States on the
Second Monday of January next to reverse
a judgment decided in the Court of Appeals

Thursday January 18th 1838. Continued

for the State of Kentucky wherein the said Andrew Sadlock, Richard Fairman and George W. Thompson were appellants and the President and Directors of the Bank of the Commonwealth of Kentucky were appellees - These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the said writ of error.-

Witness my hand as an associate Justice of the Supreme Court of the United States this 5th day of May A.D. 1835 and in the 59th year of the Independence of the United States.- John McLean

A copy Teste Wm H Hamm Clk K.D.

Know all men by these presents that we Andrew Sadlock, and Joel P. Williams are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of One thousand dollars, to which payment well and truly to be made we bind ourselves our heirs, executors and administrators firmly by these presents Sealed with our seals and dated this 1st day of May A.D. 1835.-

Whereas at the September term of the Mercer

Circuit Court for the State of Kentucky a judg-
ment was rendered in favor of the President and
Directors of the Bank of the Commonwealth of
Kentucky against the said Andrew Paddock & Vs
Richard Fairman & George W. Thompson for the
sum of $43. and twenty nine cents in damages
and thirty three dollars & eighty cents damages and
six dollars and eleven cents damages and also their
costs expended in a certain petition prosecuted
with writ of error previous thereto against them,
by said Paddock and others from which the said
Paddock prayed an appeal to the Court of Appeals
for the State of Kentucky and at the April term
of said Court in the year 1835 said judgment of
the Circuit Court was affirmed with ten
per centum damages and costs. —

And the said Andrew Paddock & others having
sued out a writ of error to the Supreme Court of
the United States to reverse the said judgment
of the Court of Appeals -

Now if the said Andrew Paddock & others
shall prosecute the said writ of error with
effect or on failure thereof pay to the President
and Directors of the Bank of the Commonwealth
of Kentucky the damages and costs aforesaid

Thursday January 18th 1838. Continued.

damages and costs that may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue — Andrew Padlock [Seal] Joel P. Williams [Seal]

By Jr Haggin —

United States of America } Sct.
8th Circuit Kentucky District }

I John H. Hanna Clerk of the eighth Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing writ of error citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid. —

In Testimony Whereof I have hereunto subscribed my name and affixed the seal of said Court this 3d day of July A.D. 1837 and in the 61st year of our Independence — Jno. H. Hanna"

Now here moved the Court in pursuance of the thirtieth rule of this Court to have this writ of error docketed and dismissed. On consideration whereof it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed. —

"Jno. Mc. Ch. Jus. Taney."

Thursday January 18th 1838. Continued.

Andrew Paddock, Richard Fairfield and Sarah T. Higgin - Appellants 64. The President & Directors of the Bank of the Commonwealth of Kentucky &	In Error to the Court of Appeals for the State of Kentucky —

Mr. Crittenden of Counsel for the defendants in Error having filed and read in open court the following certified Copies - to wit -

"The United States of America -

The President of the United States of America,

To the Judges of the Court of Appeals in and for the State of Kentucky -

Greeting:

That because in the record and proceedings False in affirming a judgment of the Mercer Circuit Court wherein the President and Directors of the Bank of the Commonwealth of Kentucky of Kentucky were Plaintiffs and Andrew Paddock, Richard Fairfield & Sarah T. Higgin were Defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Andrew Paddock Richard Fairman and Sarah T. Higgin as in their complaint has been alleged and as it is just and proper that the error

Thursday January 18th 1838 Continued.—

if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given there under your seal you distinctly & openly send the record and proceedings in the suit aforesaid with all things concerning them unto this writ so that you have the same before the Chief Justice and associate Justices of the Supreme Court of the United States on the second Monday in January next in the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.—

Witness the Honorable John Marshall Chief Justice of the Supreme Court of the United States at Washington aforesaid this 5th day of May AD 1835 and of our Independence the 59th.

Attest Jno H Hanna. C.C.C.K.D.

A Copy Test Jno H. Hanna. C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky

Whereas a writ of error hath been issued by the clerk of the Seventh Circuit court of the United States of America in and for the Kentucky

Thursday January 18th 1838. Continued.

District on behalf of Andrew Paddock, Richard Fairman & Sarah P. Higgin returnable to the Supreme Court of the United States on the second Monday in January next to reverse a judgment decided in the Court of Appeals for the State of Kentucky wherein the said Andrew Paddock, Richard Fairman and Sarah P. Higgins were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees, these are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard of any thing you have to say upon the said writ of error —

Witness my hand as an associate Justice of the Supreme Court of the United States this 5th day of May A.D. 1835 and in the 59th year of the Independence of the United States. — John McLean.

A Copy Test. Scott Hanna. Clk K.D.

Know all men by these presents that we Andrew Paddock and Sol P. Williams are held and firmly bound unto the President & Directors

of the Bank of the Commonwealth of Kentucky in the just and full sum of one thousand dollars to which payment well and truly to be made we bind ourselves our heirs executors and administrators Sealed with our seals and dated this 1st day of May 1835.

Whereas at the September term of the Mercer Circuit Court for the State of Kentucky a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Andrew Sadlock and Richard Fairman and Jerah T. Haggin for the sum of fifty three dollars and eight cents in damages and four dollars and fifty cents damages and also their costs expended in defence of this petition prosecuted with writ of error quorum nobis from which the said Andrew Sadlock and others prayed an appeal to the Court of Appeals for the State aforesaid and at the April Term of said Court in the year 1835 said judgment of the Mercer Circuit Court was affirmed with ten per centum damages & costs and the said Andrew Sadlock and others having sued out a writ of error to the Supreme Court of the United States to reverse the said judgment of the court of Appeals.—

Now if the said Andrew Sadlock & others

shall prosecute the said writ of error with effect or on failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue. —

Andrew Ladlock (Seal)

Joel P. Williams (Seal)

By James Haggin —

United States of America,
8th Circuit Kentucky District } Set —

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do certify that the foregoing writ of error Citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid —

In Testimony Whereof I have hereunto put my hand and affixed (Seal) the seal of said Court this 3d day of July 1837 and the 61st year of our Independence —

Jno. H. Hanna "

Thursday January 18th 1838. Continued

now has moved the Court in pursuance of the thirtieth rule of this court to have this writ of error docketed and dismissed. On consideration whereof It is now here ordered and adjudged by this court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed.

"P. Mr. Ch. Jus. Taney"

Samuel M. Graham admr. of Thomas Spillman dec'd vs. The President & Directors of the Bank of the Commonwealth of Kentucky	In Error to the Court of Appeals for the State of Kentucky.

W. Crittenden of Counsel for the defendants in Error having filed and read in open court the following certificate viz.

"The United States of America.
The President of the United States of America
To the Judges of the Court of Appeals
for the State of Kentucky. Greeting:

That because in the record and proceedings and also in reversing a judgment of the Garrard Circuit Court wherein the president and Directors of the Bank of the Commonwealth of Kentucky

tween plaintiffs and Samuel M. Graham adm? of Thomas Spittman dec? was defendant and by the perusal of said pridgt manifest error hath intervened to the great damage of the said Samuel M. Graham adm?r as in his complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf You are hereby commanded that if a judgment be given then under your seal You distinctly and openly send the record and proceedings in the said cause with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government, that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.

Witness the Honorable John Marshall Chief Justice of the Supreme Court of the United States at Washington this 12th day of June AD 1835 & of our Independence the 59th - Attest John H Hanna Clk K.C.

Thursday January 18th 1838. Continued.—

To the President and directors of the Bank of the Commonwealth of Kentucky—

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Samuel M. Graham admr of Thomas Spillman dec'd returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment decided in the Court of Appeals for the State of Kentucky on the 3d day of June 1835. Wherein the President and Directors of the Bank of the Commonwealth of Kentucky were plaintiffs and the said Samuel M. Graham admr of Thomas Spillman dec'd was defendant. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard of any thing you have to say upon the said writ of error.

Witness my hand as an associate Justice of the Supreme Court of the United States this 18th day of June A.D. 1838 and in the 59th year of our Independence.—

John McLean

Know all men by these presents that we Samuel M. Graham adm: of Thomas Spillman and Geage R. McKee and Isaac Yantis are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just & full sum of four hundred dollars to the payment of which well and truly to be made we bind ourselves our heirs executors & administrators firmly by these presents Sealed with our Seals and dated this 12th day of June 1833 -

Whereas the President and Directors of the Bank of the Commonwealth of Kentucky did on the 2d day of September 1834 institute a suit in the Garrard Circuit Court against the said Graham adm: &c upon a note for one hundred and seventy Dollars and on the 15th day of September of same year the said court entered up a judgt for said and upon a writ of error to the Court of Appeals of said State and on the 3d June 1835 said Court of Appeals revised sd judgment. And the said Samuel M. Graham _ of Thomas Spillman dec.d having sued out a writ of error to the Supreme Court of the United States to reverse the judgment of the said Court of Appeals. -

Now if the said Samuel M. Graham adm: of

Thursday January 18th 1838. Continued

Thomas Spellman Jun.r and George R. McKee & Jesse Yantis shall prosecute the said writ of error with effect or on failure thereof pay to the said President and Directors of the Bank of the Commonwealth of Kentucky the amt of the said note with interest thereon till paid and the costs which have accrued and such damages and costs that may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue — George R. McKee (Seal) & Jesse Yantis — (Seal)

By Wm Worley their attorney in fact —

United States of America }
6th Circuit, Kentucky District } Sct.

I John H. Hanna Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of error, Citation and Bond are truly copied from the records in the Clerks office of the court aforesaid

In Testimony whereof I have hereunto subscribed my name and affixed the seal of said court this 19th day of June A.D. 1837 and in the 61st year of our Independence —

Jno H Hanna"

(Seal)

Thursday January 18th 1838. Continued.

now here moved the Court in pursuance of the Chi
-ruth rule of this Court to have this writ of error
docketed and dismissed. On Consideration whereof
It is now here ordered and adjudged by this
Court that this writ of error to the Court of
Appeals for the State of Kentucky be and
the same is hereby docketed and dismissed.
"R. B. Ch: Jus: Taney"

Samuel M Gwathmey, admr of
Thomas Pillman Plff in Er
vs
The President & Directors of the Bank
of the Commonwealth of Kentucky

In Error to the
Court of Appeals
for the State of
Kentucky

Mr Crittenden
of Counsel for the defendants in Error having filed
and read in open court the following Certified Copy of the
"The United States of America.
The President of the United States of America
To the Judges of the Court of Appeals
for the State of Kentucky. Greeting.
That because in the record and proceedings and also
in rendering a judgment of the Garrard Circuit
Court wherein the President and Directors of the
Bank of the Commonwealth of Kentucky were

Thursday January 18th 1838. Continued

Plantiffs and Samuel M. Graham administrator of Thomas T. Gillman was defendant and by the afformance of said judgment manifest error hath intervened to the great damage of the said Samuel M. Graham adms &c as in his complaint hath been alleged, and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then under your seal upon distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. —

Witness the Honorable John Marshall Chief Justice of the Supreme Court of the United States at Washington this 12 day of June A.D. 1835 and of our Independence the 59th — Jno. F. Hanna. C.C.C.K.D.

A Copy Test — Jno F. Hanna C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Samuel M. Graham administrator of Thomas Pfullman dec? returnable to the Supreme Court of the United States on the second monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky on the third day of June 1835 wherein the President and Directors of the Bank of the Commonwealth of Kentucky plaintiffs and the said Samuel M. Graham, administrator of Thomas Pfullman, defendant. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the city of Washington the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard of any thing you have to say upon the said writ of error. — Witness my hand as an Associate Justice of the Supreme Court of the United States this 12th day of June 1835 and in the 59th year of our Independence — John McLean

Thursday January 18th 1838. Continued

Know all men by these presents that we Samuel M. Graham adms. of Thomas Spillman and George B. White and Isaac Yantes are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of four hundred dollars to which payment well and truly to be made we bind ourselves our heirs executors and adms. firmly by these presents sealed with our seals and dated this 12th day of June 1835.

Whereas the President and Directors of the Bank of the Commonwealth of Kentucky did on the 2d day of December 1834 institute a suit in the Jessamine Circuit Court against the said Graham adms. &c upon a note of sixty six dollars and upon the 18th day of September of said year the said Court entered up a judgment for defendant and upon a writ of error to the Court of Appeals of said State and on the 3d day of June 1835 said Court of Appeals reversed said judgment. And the said Samuel M. Graham adms. of Thomas Spillman dec'd having sued out a writ of error to the Supreme Court of the United States to reverse the judgment of the said Court of Appeals. Now if the said Samuel M. Graham adms. of Thomas Spillman dec'd and George B. White and Isaac Yantes shall prosecute the said

ment of error with effect or on failure thereof pay the said President and Directors of the Bank of the Commonwealth of Kentucky the amount of the said note with interest thereon till paid and the costs that have accrued and such damages and costs that may be awarded against them in the Supreme Court of the United States then this obligation to be void & [illegible] remain in full force and virtue

Jesse Yantis - (Seal)
Pr
George R. M.ˢ Lee (Seal)

By Dr Oldsley their Attorney in fact.

United States of America }
8th Circuit Kentucky District } Set.

I John H. Hanna Clerk of the eighth Circuit Court of the United States of America in and for the Kentucky District Certify that the foregoing writ of error, Citation & Bond are truly Copied from the records in the Clerk's Office of the Court aforesaid.—

In Testimony Whereof I have hereunto Subscribed my name and affixed the Seal of said Court this 19th day of June A.D. 1837 and in 61st Year of the Independence of the United States.

(Seal)

J. H. Hanna"

Thursday January 18th 1838 Continued

now has moved the court, in pursuance of the thirtieth rule of this court to have this writ of error docketed and dismissed. On Consideration whereof it is now here ordered and adjudged by this court that this writ of error to the Court of Appeals from the State of Kentucky be and the same is hereby docketed and dismissed — "J. M. C. Ch. Js. Taney"

Benjamin Smith, William Eidson and Jesse Moseley Plffs in Er. vs The President and Directors of the Bank of the Commonwealth of Kentucky	In Error to the Court of Appeals for the State of Kentucky — M. Crittenden of Counsel for the Defendants

in error having filed and read in open court the following certified copies, viz -

"The United States of America

The President of the United States of America

To the Judges of the Court of Appeals in and for the District of Kentucky Greeting: -

That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Benjamin Smith, William Eidson, and Jesse Moseley were Plaintiffs and the President

and Directors of the Bank of the Commonwealth of Kentucky were Defendants and by the offer ence of said judgment manifest error hath intervened to the great damage of the said Benjamin Smith, Isaac Mosely and William Gibson as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf. You are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the said aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next in the City of Washington the present Seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.—

Witness the Honorable Roger B Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 15th day of November A.D. 1836 and of our Independence the 61st

Thursday January 18th 1838. Continued.

Attest Jno H Hanna. C.C.C.K.D.

A Copy Test Jno H Hanna. C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky -

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky district on behalf of Benjamin Smith. Jesse Mosely and Wm Eidson returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein the said Benjamin Smith. Jesse Mosely & William Eidson were appellants and the President and Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the said writ of error. -

Witness my hand as an associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1835 and of the Independence of the United States the 60th John McLean

A Copy Test Jno H Hanna. C.C.C.K.D.

Thursday January 18th 1838 Continued.

Know all men by these presents that we Benjamin Smith, William Gibson and Lucas Moseley principals and Richard P. Hall their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of Six Hundred Dollars to the payment of which well and truly to be made we bind ourselves our heirs jointly and severally firmly by these presents sealed with our seals and dated this 11th day of November A.D. 1835.

Whereas at the April term of the Ohio Circuit Court for the State of Kentucky a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Smith, Gibson and Moseley for the sum of three hundred dollars with interest thereon at the rate of six per centum per annum from the 1st day of Dec? 1839. until paid and costs. From which the said Smith, Gibson and Moseley prayed an appeal to the Court of appeals for the State of Kentucky and at the October Term of said Court A.D. 1835 said judgment of the Ohio Circuit Court was affirmed with Ten per centum damages and costs and the said Smith, Gibson and Moseley having paid out a writ

Thursday January 18th 1838. Continued

of error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals Now if the said Smith, Eidson & Morely shall prosecute the said writ of error with effect or on failure thereof pay to the President & Directors of the Bank of the Commonwealth of Kentucky the debt, interest, damages and costs and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void else to remain in full force and virtue.— Richard P. Hall (Seal)

By Alex R. Depew his Atty in fact.—

United States of America
8th Circuit Kentucky District } Set.

I, John C. Kinnaird Clerk of the eighth Circuit Court of the United States of America in and for the Kentucky District, certify that the foregoing writ of error, Citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid.— In Testimony Whereof I have hereunto subscribed my name and affixed the seal of said Court this 22d day of June A.D. 1838 & in the 61st Year of our Independence

(Seal) J. C. K. Kinnaird

Whereupon moved the Court in behalf of the

Thursday January 8th 1838. Continued.

Thirtieth rule of this Court to have this suit of
error docketed and dismissed — A Copy whereof
whereof it is now here ordered and adjudged
by this Court that this suit of error to the Court
of Appeals for the State of Kentucky be and
the same is hereby docketed and dismissed. —

"Test. W. Ch: Fra. Tarey"

Charles Tickton Lamar Morgan
& A. W. Davies - Plffs in Er
vs.
The President & Directors of the Bank
of the Commonwealth of Kentucky

In Error to the
Court of Appeals
for the State of
Kentucky —
W. Crittenden of
Counsel for the Plain-

tiffs in Error having filed and read in open
Court the following certified Copies to wit. —

"The United States of America
The President of the United States of America

To the Judges of the Court of
Appeals in and for the State of
Kentucky — Greeting: —

That because in the record and proceedings
and also in reversing a judgment of the Circuit
Circuit Court wherein the President and
Directors of the Bank of the Commonwealth

Thursday January 18th 1838 Continued

of Kentucky were plaintiffs and Charles Ficklin Jr Morgan & J. W. Daviess were defendants, and by the reversal of said judgment manifest error hath intervened to the great damage of the said Charles Ficklin, Jr - Morgan & J. W. Daviess as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then under your seal distinctly and openly you send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next in the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 20th day of April A.D. 1838 & of our Independence —.

Attest Jno. A. Grimes Clk U. S.

Thursday January 18th 1838. Continued.

To the President and Directors of the Bank of Commonwealth of Kentucky—

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Charles Ficklin Jr Morgan and J. W. Davies, returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein Charles Ficklin, Jr Morgan and J. W. Davies were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the said writ of error. Witness my hand as Chief Justice of the Court of Appeals of the Commonwealth of Kentucky the 30th day of April A.D. 1835. and of the Independence of the United States the 59th

George Robertson

Thursday January 18th 1838. Continued

Know all men by these presents that we Charles Ficklin James Morgan and James Davis as principals and Joel P. Williams security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the penal sum of four hundred dollars to which payment well and truly to be made we bind ourselves our heirs jointly and severally firmly by these presents. Sealed with our seals and dated this 20th day of April 1836.

The condition of the above obligation is such that whereas at the April term in the year 1835 of the Mercer Circuit Court for the State of Kentucky a judgment was rendered in favor of the above bound Ficklin, Morgan & Davies for their costs against the said President and Directors of the Bank of the Commonwealth of Kentucky from which said judgment the said President and Directors of the Bank of the Commonwealth of Kentucky sued out of the Clerks office of the Court of Appeals for the State aforesaid a writ of error and at the April term of said Court of Appeals in the year 1836 said judgment of the Mercer Circuit Court was reversed and the cause remanded to the said Circuit Court whereon

Thursday January 18th 1838. Continued.

instructions and the said Ficklin Morgan and Davies having filed assignments of error to the Supreme Court of the United States to reverse the said Judgment of the Court of Appeals aforesaid. —

Now if the said Orlando Ficklin, S. Morgan and J. W. Davies and J. P. Williams or either of them shall prosecute the said writ of error with effect or on failure thereof shall pay to the President & Directors of the Bank of the Commonwealth of Kentucky aforesaid all such debt, interest, damages and costs as may be awarded against them in the Supreme Court of the United States then the obligation to be void otherwise to remain in full force and virtue.

Jos. P. Williams (Seal)

By B. Mosby his Attorney in fact —

United States of America
S. Circuit Kentucky District } Set. —

I John H. Hanna Clerk of the S. Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of Error, citation & Bond are truly copied from the records in my said office —

Thursday January 18th 1838. Continued.

In Testimony Whereof, I have hereunto subscribed my name and affixed the seal of said Court this 19th day of June A.D. 1837 and in the 61st Year of the Independance of the United States.—

Jno. A. Hamm.r—

Now here moved the Court in pursuance of the thirtieth rule of this Court to have this writ of error docketed and dismissed. On consideration whereof it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed.—

P. V. Ch. Jus. Taney.—

John Field Benjamin Field and William Field. Pltffs in Er. vs. The President & Directors of the Bank of the Commonwealth of Kentucky.	In Error to the Court of Appeals for the State of Kentucky.

Mr Crittenden of Counsel for the defendants in Error having filed and read in open Court the following certified copies, viz.—

Thursday January 18th 1838. Continued:

"The United States of America
The President of the United States of America

Seal

To the Judges of the Court of Appeals in and for the State of Kentucky: — Greeting:

That because in the record and proceedings and also in affirming a judgment in the Circuit Court Court wherein the President and Directors of the Bank of the Commonwealth of Kentucky are plffs and John Field Benjamin Field and William Field are defendants & by the affirmance of said judgment manifest error hath intervened to the great damage of the said John Field Benjamin Field and William Field as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and

Thursday January 18th 1838. Continued.

Associate Justices of the Supreme Court of the United States on the second monday in January next in the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.—

Witness the Hon. Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 11th day of November A.D. 1837 and in the 61st year of our Independence.—

Attest Jno. H Hanna. Clk. U. S.

A Copy—Test Jno. H Hanna Clk. U. S.

To the President and Directors of the Bank of the Commonwealth of Kentucky—

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District in behalf of John Field Benjamin Field and William Field returnable to the Supreme Court of the United States on the second monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein the said John Field, Benjamin Field and William Field were appellants and the

dent Directors and Cashier of the Bank of the Commonwealth of Kentucky one Appearee —

These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the same assigned for the causes of the said Assignment and to be heard if any thing you have to say upon the said writ of error —

Witness my hand as an Associate Justice of the Supreme Court of the United States this 2nd day of November A.D. 1837 and in the 62nd year of the Independence of the United States John M'Kinley

A Copy-Test Wm. T. Thomas Clk. U.S.

Know all men by these presents that we Benjamin Field and William Field principals and William Field their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of two thousand four hundred dollars to the payment of which well and truly to be made we bind ourselves our heirs severally and severally firmly by these presents Sealed with our Seals and dated this 12th day of November A.D. 1830 — Whereas at the July term 1835 of the

Thursday January 18th 1838 Continued.

Daviess Circuit Court for the State of Kentucky a judgment was rendered in favor of the President & Directors of the Bank of the Commonwealth of Kentucky against the said John Field, Benjamin Field and William Field for the sum of $1211 with interest thereon at the rate of six per centum per annum from the first day of June 1833 until paid and costs — From which the said John, Benjamin & William Field prayed an appeal to the Court of Appeals for the State of Kentucky and at the October Term of said Court in the year 1835 said judgment of the Daviess Circuit Court was affirmed with ten per centum damages and costs, Now if the said John, Benjamin and William Field shall prosecute the said writ of error with effect or on failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt, interest, damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void else to remain in full force and virtue —

William Field (Seal)

By Alex K. Duncan his Atty in fact.

Thursday January 18th 1838 Continued

United States of America }
8th Circuit Kentucky District } Sct

I John H Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of error & citation and Return are truly Copied from the records in the Clerks office of the Court aforesaid —

In Testimony Whereof I have hereunto subscribed my name and affixed the Seal of said Court this 24th day of June A.D. 1837 and in the 61st year of our Independence. —

Jno H. Hanna

Now here moved the Court in pursuance of the fourteenth rule of this Court to have this writ of error docketed and dismissed. On Consideration whereof it is now here ordered and adjudged by this Court that the writ of error & the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed. —

By the Court

Thursday January 18th 1838. Continued

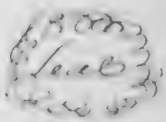
Henry Stephens & Samuel Bennett Pltffs in Er
vs
The President & Directors of the Bank of the Commonwealth of Kentucky

In Error to the Court of Appeals for the State of Kentucky

Mr Crittenden of Counsel for the Defendants in Error having filed and read in open Court the following certified copies, viz:—

"The United States of America

The President of the United States of America



To the Judges of the Court of Appeals in and for the State of Kentucky Greeting.

Whereas in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Henry Stephens and Saml Bennett were Plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were Defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Henry Stephens and Samuel Bennett as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties

in this behalf, you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done —

Witness the Hon: Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this fourteenth day of November A.D. 1836 and in the 61st year of our Independence — Attest Jno H Hammond C.C.K.

A Copy Test Jno H Hammond C.C.K.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of America in and for the Kentucky District at the suit of Henry Hopkins and Samuel Bennett citizens

Thursday January 18th 1838 Continued

to the Supreme Court of the United States on the second Monday in January next to reverse a judgment received in the Court of Appeals for the State of Kentucky wherein the said Henry Stephens and Samuel Bennett were plaintiffs and the said President and Directors of the Bank of the Commonwealth of Kentucky were defendants -

These are therefore to cite and command you that you be and appear in the Supreme Court of the United States on the day aforesaid to shew the errors assigned for the reversal of said Judgment and to be heard if any thing you have to say upon the said writ of error.-

Witness my hand as an Associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1837 and in the 61st Year of the Independence of the United States.-

John McLean

A Copy Test Wm. T. Carroll Clk. S. C.

Know all men by these presents that we Henry Stephens & Samuel Bennett principal & Isaac Norton their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of Four thousand

Thursday January 18th 1838. Continued.

dollars & the payment of which well and truly to be made we bind ourselves our heirs jointly & severally firmly by these presents. Sealed with our Seals and dated this 14th day of November A.D. 1835. —

Whereas at the April term of the Ohio Circuit Court for the State of Kentucky a Judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky for the sum of one hundred and seventy five dollars with interest thereon after the rate of six per centum per annum from the 1st June 1831 until paid and costs. — From which the said Henry Stephens and Samuel Bennett prayed an appeal to the Court of Appeals for the State of Kentucky, and at the October Term of said Court in the year 1835 said judgment of the Ohio Circuit Court was affirmed with ten per centum damages and costs and the said Stephens & Bennett having filed a writ of Error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals. —

Now if the said Henry Stephens, Samuel

Thursday January 18th 1838. Continued.

Bennett & Isaac Maton shall prosecute their said writ of Error with effect or in failure thereof pay to the President & Directors of the Bank of the Commonwealth of Kentucky the debt, interest, damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue. —

Isaac Maton [Seal]

By Alex R. Dejarnett his atty in fact

United States of America
5th Circuit Kentucky District } Set.

I, John H. Hanna Clerk of the 5th Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of error, citation and Bond are truly copied from the records in the Clerk's office of the said Court aforesaid. —

In Testimony whereof I have hereunto subscribed my name and affixed the seal of said Court this 23d day of June A.D. 1836. and in the 61st year of our Independence.

[Seal]

John H. Hanna "

Now here moved the Court in pursuance of the thirtieth rule of this Court, to have this writ of error docketed and dismissed the consideration whereof

Thursday January 18th 1838. Continued

it is now here ordered and adjudged by the Court that the writ of error & the Court of Appeals for the State of Kentucky be and the same is hereby dismissed.

"J. M. Ch. Ks. Davy"

Aaron Jewett, Richard L. Walker & James Gibson	In Error to the Court of Appeals for the State of Kentucky -
vs.	
The President & Directors of the Bank of the Commonwealth of Kentucky	Mr Crittenden of Counsel for the

Defendants in Error having filed and read in open Court the following certificate to wit -

The United States of America

The President of the United States of America

(L.S.) To the Judges of the Court of Appeals in and for the District of Kentucky Greeting. -

That because in the record and proceedings and also in affirming a judgment of the Circuit Court Court wherein the President and Directors of the Bank of the Commonwealth of Kentucky were Plaintiffs and Aaron Jewett, Richard L. Walker and James Gibson were Defendants and by the

Thursday January 18th 1838. Continued

affirmance of said judgment manifest error shall intervene to the great damage of the said Aaron Sewell James L. Walker & James Eidson as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and aforesaid Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected they may cause to be done thereupon what of right ought to be done -

Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 4th day of November A.D. 1835 & in the 61st year of our Independence - Attest Wm. H. Hannah C.C.K.

A Copy Test Wm H Hannah C.C.K. &

Thursday January 18th 1838 Continued.

To the President and Directors of the Bank of the Commonwealth of Kentucky -

Whereas a writ of error hath been granted by the Clerk of the Seventh Circuit Court of the United States in and for the Kentucky district on behalf of Aaron Sweet James L. Walker & James Eidson, returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a Judgment decided in the Court of Appeals for the State of Kentucky wherein the said Aaron Sweet Richd. L. Walker and James Eidson were appellants and the President and Directors of the Bank of the Commonwealth of Kentucky were appellees -

These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid, then and there to hear the errors assigned for the reversal of the said judgment and to be heard of anything you have to say upon the said writ of error -

Witness my hand as an associate Justice of the Supreme Court of the United States this 14th day of Nov. 1836 and in the

61st year of the Independence of the United States —

John McLean

A Copy Test Jno. A. Hanna C.C.C.K.D.

Know all men by these presents, that we Aaron Sewell, Richard T. Walker and James Eidson principal and Abigal Phipps Security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of one thousand dollars to which payment well and truly to be made we bind ourselves our heirs &c firmly by these presents Sealed with our Seals and dated this 10th day of November A.D. 1836.

Whereas at the July Term of the Daviess Circuit Court for the State of Kentucky a Judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Aaron Sewell, Richard T. Walker & James Eidson for the sum of three hundred and ten Dollars with interest thereon to be computed at the rate of six per centum per annum from the 1st day of December 1832 until paid also their costs in this behalf expended &c

From which the said Sewell Walker and Eidson prayed an appeal to the Court of Appeals for the State of Kentucky, and at the October term of said

Court in the year 1837 said Judgment of the Circuit Court was affirmed with costs and the said Sewell, Walker & Fiden having sued out a writ of error & the Supreme Court of the United States to reverse the said judgment of the Court of Appeals -

Now if the said Sewell, Walker & Fiden shall prosecute the said writ of error with effect or on failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt in said writ and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then the obligation to be void otherwise to remain in full force and virtue -

Elijah Phipps (Seal)

By Alex. R. Stapleton his Atty in fact -

United States of America }
8th Circuit Kentucky District } Set -

I John H. Hanna Clerk of the Eighth Circuit Court of the United States of America in and for the Kentucky District certify that the foregoing writ of error, Citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid. —

Thursday January 18th 1838 Continued

In Testimony Whereof I have hereunto subscribed my name and affixed the Seal of said Court this 22d day of June A.D. 1836 & in the 61st year of our Independence — Jno A Harris'

Now here moved the Court in pursuance of the thirtieth rule of this Court to have this writ of error docketed and dismissed. On consideration whereof it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed — Jno. M. Ch. for Jany —

Richard M. Pettifield Appellant vs The President & Directors of the Bank of the Commonwealth of Kentucky	In Error to the Court of Appeals for the State of Kentucky —

(Mr. Crittenden of Counsel for the Defendants in Error having filed and read in open Court the following certificate, viz:

"The United States of America

The President of the United States of America

To the Judges of the Court of Appeals in and for the State of Kentucky — Greeting:

Thursday January 18th 1838. Continued

That because in the record and proceedings and also in rendering a judgment of the Circuit Court wherein the President and Directors of the Bank of the Bank of the Commonwealth of Kentucky are Plaintiffs and Richard M. Sutfield was Defendant and by the rendering of said Judgment manifest error hath arisen to the great damage of the said Richard M. Sutfield as in the Complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf You are hereby commanded that if a judgment be given then under your Seal You distinctly and openly send the record and proceedings in the said aforesaid with all things concerning them and this writ to that you have the same before the Chief Justice and associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present Seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.

Thursday January 18th 1838. Continued

(L. Seal) The Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid the 5th day of November A.D. 1835 and in the 60th year of our Independence.

Attest Jno. H. Hanna C.C.C. K.D.

A Copy Teste Jno. H. Hanna C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky —

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Richard M. Pettifield returnable to the Supreme Court of the United States on the second Monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein Richard M. Pettifield was Plaintiff and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants.

These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment & be heard if any thing you have to say

upon the said writ of error -

Witness my hand as Chief Justice of the Commonwealth of Kentucky this 5th day of November A.D. 1838 and in the 61 year of the Independence of the United States -

J. Robertson

A Copy Teste Jno H Harris C.C.C.K.

Know all men by these presents that we Richard M. Pulfield principal and James Taylor Security are held, and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the penal sum of four hundred dollars to which payment well and truly to be made we bind ourselves our heirs & jointly and severally firmly by these presents Sealed with our Seals and dated this 5th day of Nov. 1838

The condition of the above obligation is such that whereas at the July Term 1835 of the Mercer Circuit Court for the State of Kentucky a Judgment was rendered in favor of the above bound Richard M. Pulfield for their costs against the said President and Directors of the Bank of the Commonwealth of Kentucky from which said Judgment the said President and Directors of the Bank of the Commonwealth of Kentucky pray

Thursday January 18th 1838 Continued.

out of the Clerks office of the Court of Appeals for the State of Kentucky a writ of error and at the October term of the said Court of Appeals in the year 1836 said judgment of the Mercer Circuit Court was reversed and the cause remanded to the said Circuit Court of Mercer with instructions &c. and the said Richard M. Sulfield having sued out a writ of error to the Supreme Court of the United States to reverse the said judgment of the court of appeals aforesaid.—.

Now if the said Richard M. Sulfield and James Taylor or either of them shall prosecute the said writ of error with effect or on failure thereof shall pay to the President and Directors of the Bank of the Commonwealth of Kentucky aforesaid all such debt, interest, damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force & virtue.—

Richard Sulfield (Seal)
James Taylor (Seal)

By their Attorney in fact (Wm Owsley —

United States of America
8th Circuit Kentucky District } Sct.

I John K. Hanna Clerk of

Thursday January 18th 1838 Continued.

the Circuit Court Court of the United States of America in and for the Kentucky District certify that the foregoing and aforesaid Petition and Bond are true Copies from the Records in the Clerks office of the Court aforesaid

In Testimony whereof I have hereunto Subscribed my name and affixed the Seal of said Court this 20th day of June A.D. 1837 and in the 61st year of our Independence.

Jno. H. Hanna

Now here moved the Court in pursuance of the Eleventh rule of this Court to have the writ of Error Docketed and Dismissed.

On Consideration whereof it is now Ordered and Adjudged by this Court that the writ of Error to the Court of appeals for the State of Kentucky be and the same is hereby Docketed and dismissed —

J. McKee Esq.

Thursday January 18 1838 Continued

Marcus Thomas Benjamin F. Thomas & Aquilla Young
vs. &c. } Writ of Error
The President & Directors of the Bank of the Commonwealth of Kentucky

} to the Court of Appeals for the State of Kentucky —

Mr Crittenden of counsel for the defendants in Error having filed and read an open court the following assigned copies. Record.

"The United States of America
The President of the United States of America
To the Judges of the Court of Appeals in and for the State of Kentucky Greeting:-

That in the record and proceedings and also in affirming a judgment of the Montgomery Circuit Court wherein the President and Directors of the Bank of the Commonwealth of Kentucky were Plaintiffs and Marcus Thomas Benjamin F. Thomas & Aquilla Young were defendants and by the affirmance of said judgment with ten per cent damages manifest error hath intervened to the great damage of the said Marcus Thomas Benjamin F. Thomas and Aquilla Young as in their complaint has been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties

in this behalf you are hereby commanded that if judgment be given then under your seal you distinctly and openly send the record and proceedings in the said aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done.—

Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington this 13th day of June A.D. 1837 and in the 61st year of our Independence

Attest Wm. H. Hamm. C.C.C. U.S.

A Copy Teste Wm. H. Hamm. C.C.C. U.S.

To the President and Directors of the Bank of the Commonwealth of Kentucky.—

Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District in behalf of Marcus Thomas, Benjamin F. Thomas

Thursday January 18th 1838. Continued.

and Aquilla Young returnable to the Supreme Court of the United States on the second Monday of January next to reverse a judgment decided in the Court of Appeals for the State of Kentucky — were defendants. —

These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error. —

Witness my hand as Chief Justice of the Court of Appeals of the Commonwealth of Kentucky this 13th day of June 1836. — George Robertson

A Copy Teste Jno H Hamah C. C. K. S. —

Executed on Ha Wingate President Bank Commonwealth June 13th 1836 — J E. Russell. D. Sec. K. B.

" " Jno M McCalla M. K. B.

Know all men by these presents that we, Marquis Thomas Benjamin F. Thomas and Aquilla Young, principals and H. G. Thomas their security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the penal sum of fifteen hundred dollars to which payment

well and truly to be made we bind ourselves our heirs severally and severally firmly by these presents. Sealed with our Seals and dated this 13th day of June 1836.

The condition of the above obligation is such that whereas at the Nov. of the Montgomery Circuit Court a judgment was obtained by the President and Directors of the Bank of the Commonwealth of Kentucky for $590 with interest until paid and Ten per cent damages and costs against the said Marquis Thomas Benjamin Thomas & Aquilla Young from which said judgment the said Marquis Thomas Benj. F. Thomas and Aquilla Young prayed out of the Clerks office of the Court of Appeals for the State aforesaid a writ of error and at the April Term of the said Court of Appeals in the year 1836 said judgment of the Montgomery Circuit Court was affirmed and the cause remanded to said Circuit Court of Montgomery with instructions to and the said Marquis Thomas, Benj. F. Thomas & Aquilla Young sued out a writ of Error to the Supreme Court of the United States to reverse the said judgment of the Court of Appeals aforesaid.

Now if the said Marquis Thomas Benjamin

T. Thomas and Aquilla Young & A. G. Thomas shall prosecute the said writ of error with effect or on failure thereof shall pay to the President and Directors of the Bank of the Commonwealth of Kentucky aforesaid all such debt, interest, damage and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue -

M. Thomas Seal - A. G. Thomas Seal

By T. Turpin his atty in fact -

United States of America }
8th Circuit Kentucky District } Set -

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing writ of error, Citation & Bond are duly copied from the Clerks office of the Court aforesaid. -

In Testimony whereof I have hereunto subscribed my name and affixed the seal of said Court this 8th day of June 1837 in the 61st year of the Independence of the United States. -

Jno H Hanna"

Now here moved the Court in pursuance of the

Thursday January 18th 1838. Continued

fourteenth rule of this Court & have this writ of error docketed and dismissed. On Consideration whereof it is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed & dismissed.

P. K: Ch: Jus. Taney —

Thomas H. Bergman, Richard P. Hall & Lillis Dyer —

vs. This

The President Directors & Co. of the Bank of the Commonwealth of Kentucky

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The Error to the Court of Appeals for the State of Kentucky — & Citation & Counsel for the Defendants in Error having filed and moved in open Court the following certified copies to wit

The United States of America

The President of the United States of America

(Seal) To the Judges of the Court of Appeals in and for the Kentucky District — Greeting:

Whereas in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Thomas H. Bergman, Richard P. Hall & Lillis Dyer were Plaintiffs and the

Thursday January 18th 1838 Continued -

Farmers and Drovers of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said Judgment manifest error hath intervened to the great damage of the said Thomas A. Berriman, R. P. Hall & Willis Dyer as in their complaint hath been alleged and as it is fit and proper that the error if any there be should be corrected in due manner & that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given [illegible] you send you distinctly & openly have the record and proceedings in the suit aforesaid with all things concerning them & this writ so that you have the same before the Chief Justice and associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present Seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. -

Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 14th day of November AD 1836 and in the 61st year of our Independence - Attest Jno H Hanna Clk U.S.

A Copy Test Jno H Hanna Clk U.S.

The President and Directors of the Bank of the Commonwealth of Kentucky -

Whereas a writ of Error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in & for the District of Kentucky at the suit of Thomas T. Berryman Richard P. Stall & Willis Dyer returnable to the Supreme Court of the United States on the second Monday in January next to reverse a Judgment decided in the Court of Appeals for the State of Kentucky wherein the said Thomas T. Berryman, Richard P. Stall & Willis Dyer were Appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees - These are therefore to cite and Command you that you be and appear in the Supreme Court of the United States on the day aforesaid at the City of Washington then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error.-

Witness My hand as an associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1836 and in the 61st year

Thursday January 18th 1838 Continued

of the Independence of the United States.

John M Lean

A Copy Test Wm A Hamm Cl C.K. D.

Know all men by these presents that we Thomas A Berryman Richard P. Nall and Willis Dyer principal and Ben Smith their Security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of four hundred dollars the payment of which well and truly to be made we bind ourselves our heirs &c jointly and severally firmly by these presents. Sealed with our Seals and dated this 13th day of November 1837.

Whereas at the July Term of the Ohio Circuit Court for the State of Kentucky in the year 1836 a Judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the Berryman, Nall & Dyer for the sum of $200 with interest thereon at the rate of six per centum per annum from the first day of December 1832 until paid and costs. From which the said Berryman, Nall & Dyer prayed an appeal to the Court of Appeals for the State of Kentucky and at the October Term of the said Court in the year 1836 said Judgment of the Ohio

Circuit Court was affirmed with ten per centum damages and costs, and the said Bergman, Hall & Dyer having filed a writ of error to the Supreme Court of the United States to reverse the said Judgment of the Court of Appeals. Now if the said Bergman, Hall & Dyer and Smith shall prosecute the said writ of error with effect or on failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the said principal damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void otherwise to remain in full force and virtue.—

B. Smith (Seal)

By Alex R. Lipscomb his atty in fact

United States of America }
5th Circuit Kentucky District } Set.

I John H. Hanna Clerk of the 5th Circuit Court of the United States of America in and for the Kentucky District Certify that the foregoing writ of error, Citation & Bond are truly copied from the records of the Clerks office of the court aforesaid.—

Thursday January 18th 1838 Continued -

In Testimony whereof I have hereunto set my hand and affixed the seal of said Court this 28th day of June A.D. 1830 & in the 61st year of our Independence. —

Jno. H. Hanna

Now here moved the Court in pursuance of the thirtieth rule of this Court to have this writ of error docketed and dismissed. On consideration whereof, it is now here ordered and adjudged by this court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed —

"P. V. Ch. Jus. Taney" —

Thomas Taylor Jr. and Richard S. Hall. pltff in Er vs. to the President & Directors of the Bank of the Commonwealth of Kentucky	in Error to the Court of Appeals for the State of Kentucky —

Mr Cullenden of Counsel for the defendant in Error having filed and read in open Court the following certified copies, viz: —

The United States of America

The President of the United States of America

Thursday January 18th 1838. Continued.-

To the Judges of the Court of
Appeals in and for the State
of Kentucky - Greeting:-

That because in the record and proceedings
and also in affirming a judgment of the
Ohio Circuit Court wherein Thomas Taylor Jr.
and Richard P. Hall were plaintiffs and the
President and Directors of the Bank of the
Commonwealth of Kentucky were defendants
and by the affirmance of said judgment many
great error hath intervened to the great damage
of the said Thomas Taylor Jr. and Richard P.
Hall and as it is just and proper that the
error if any there be should be corrected
in due manner and that full and speedy
justice be done to the parties in this behalf
You are hereby commanded that of a judg-
ment be given then under your seal You
distinctly and openly send the record and proceedings
in the suit aforesaid with all things concerning
them and this writ so that you have the same
before the Chief Justice and Associate Justices
of the Supreme Court of the United States on
the second Monday in January next at the City
of Washington the present seat of the National

Thursday January 18th 1838 Continued

Government that the records and proceedings aforesaid being inspected that they may cause to be further thereupon what of right ought to be done.—

Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 4th day of November A.D. 1837 and in the 61st year of our Independence.— Attest. Wm H Hanna C.C.C.K.D.

A Copy Test Wm H Hanna C.C.C.K.D.

To the President and Directors of the Bank of the Commonwealth of Kentucky—

Whereas a writ of Error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Thomas Taylor Jr and Richard F. Hall returnable to the Supreme Court of the United States on the Second Monday in January next wherein the said Thomas Taylor Jr and Richard F. Hall were Appellants and the President and Directors of the Bank of the Commonwealth of Kentucky were appellees.—

These are therefore to cite and Command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned

for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error —

Witness my hand as an Associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1835 and in the 59th year of the Independence of the United States. — John McLean

A Copy Test Jno. H. Hanna. C.C.K.C.

Know all men by these presents that we Thomas Taylor Jr. and Richard P. Stall principal and Ben Smith their Security are held and firmly bound unto the President and Directors of the Bank of the Commonwealth of Kentucky in the just and full sum of five hundred dollars to the payment of which well and truly to be made we bind ourselves our heirs &c jointly and severally firmly by these presents Sealed with our Seals and dated this 13th day of November A.D. 1836.

Whereas at the July Term of the Ohio Circuit Court for the State of Kentucky in the year 1836, a judgment was rendered in favor of the President and Directors of the Bank of the Commonwealth of Kentucky against the said Thomas Taylor Jr. and Richard P. Stall for the sum of $210. with

Thursday January 18th 1838. Continued -

with interest thereon at the rate of Six per centum per annum from the 1st day of June 1831 until paid and costs

From which the said Taylor, Nall and Smith prayed an appeal to the Court of Appeals for the State of Kentucky, and at the October Term of said Court in the year 1836 said judgment of the Ohio Circuit Court was affirmed with ten per centum damages and costs, and said Taylor & Nall having sued out a writ of error to the Supreme Court of the United States to reverse the said judgment of the Court of appeals -

Now if the above bound Thomas Taylor Jr. and Richard P. Nall and Ben Smith or either of them shall prosecute the said writ of error with effect or in failure thereof pay to the President and Directors of the Bank of the Commonwealth of Kentucky the debt interest damages and costs aforesaid and such damages and costs as may be awarded against them in the Supreme Court of the United States then this obligation to be void else to remain in full force & virtue -

Ben Smith (Seal)

Test - Clark R. Depew Dis Atty in fact -

Thursday January 18th 1838 Continued.-

United States of America }
5th Circuit Kentucky District } Set-

I John K. Hamm Clerk of the 5th Circuit Court of the United States of America in and for the Kentucky District do certify that the foregoing writ of Error, Citation and Bond are truly copied from the records in the Clerks office of the Court aforesaid.

In Testimony Whereof I have hereunto subscribed my name and affixed the seal of said Court this 19th day of June A.D. 1837 and in the 61st year of our Independence - Jno. K. Hamm

Now here moved the Court in pursuance of the thirtieth rule of this Court to have this writ of Error docketed and dismissed. On Consideration whereof it is now here ordered and adjudged by this Court that the writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed -

P. V. Ch. Jno. Taney -

Thursday January 18th 1838. Continued -

Daniel F. Strother 16 vs Jeffn Co John B. C. Lucas -	This cause was further argued by Mr Lawless for the Plaintiff in Error, and by Mr Guyer for the Defendant in Error -

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Friday January 19th 1838.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Gabriel Duvall
Smith Thompson
[illegible] M'Lean
Henry Baldwin Associate
James M. Wayne Justices.
Philip P. Barbour
John Catron
John M'Kinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened

On Motion first made to the Court in the behalf by Mr Sergeant—It is ordered that Edward Tom Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Friday January 19th 1838 Continued -

Daniel F. Strother 16. vs Jeff'n Co John B. C. Lucas	The argument of this cause was continued by Mr. Geyer for the defendant in Error -

proclamation being made the Court is adjourned until tomorrow morning at eleven oclock —

Saturday January 20th 1838.—

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On Motion first made to the Court in this behalf by Mr Southard It is ordered that Isaac H. Pierson Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Saturday January 20th 1838 Continued.

The State of Rhode Island &
Providence Plantations -
vs. Compt
The Commonwealth of Massachusetts

Bill in Equity -

The motion to dismiss this Bill was argued by Mr Clinton for the defendant in Equity -

Proclamation being made the Court is adjourned until Monday Morning at eleven o'clock -

Monday January 22d 1838 —

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court was opened

On motion first made to the Court in this behalf by Mr Butler - It is ordered that John Sanford Hart & White Esquires of Indiana and Henry A. Foster Esq. of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly. —

Monday January 22d 1838. Continued.-

The State of Rhode Island &c vs	Bill in Equity
Providence Plantations-	
Complt	The motion to dismiss
vs	this Bill was further
The Commonwth of Massachusetts	argued by Mr. Austin
	in favor of the same —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday January 23d 1838

Pursuant to adjournment the Court met this morn
at eleven o'clock —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices —
Philip P. Barbour
John Catron
John McKinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf
by Mr Porter It is ordered that Samuel Hepburn
Esquire of the State of Pennsylvania be admitted
to practice as an Attorney and Counsellor of this
Court and he was sworn accordingly. —

Tuesday January 23d 1838 Continued -

The State of Rhode Island & Providence Plantations Complt / & The Commth of Massachusetts -	Bill in Equity The motion to dismiss the Bill in this cause was further argued by Mesrs. Hazard & Southard against the motion and in support of the jurisdiction of this court —

Proclamation being made the court is adjourned until to morrow morning at eleven oclock. —

Wednesday January 24th 1838. Court

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices
Philip P Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster. It is ordered that George H. Dunn Esquire of the State of Indiana be admitted to practice as an Attorney and Counsellor of this Court and he was duly accordingly.

Wednesday January 24 1838. Continued -

The State of Rhode Island &c. Providence Plantations Complt & the Commwth of Massachusetts	The motion to dismiss the Bill in this case was further argued by Mr Southard against the same and in support of the jurisdiction of this court. -

proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Thursday January 25th 1838.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley

} Associate Justices -

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The State of Rhode Island &
Providence Plantations Complt
v.
The Commonwealth of Massachusetts -

The motion to dismiss the Bill in this case was further argued by Mr Southard against the same and in support of the jurisdiction of the Court -

Thursday January 25th 1838. Continued. —

Proclamation being made the Court was adjourned
until tomorrow morning at eleven oclock. —

Friday - January 26 1838 -

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M Wayne Justices. -
Philip P Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court was opened -

The State of Rhode Island & Providence Plantations. Complt vs The Comwlth of Massachusetts.	Bill in Equity On motion it was ordered that Bill was further argued by Mr Webster in support of the motion.

Friday January 26th 1838 Continued -

Henry Toland pltff in E vs Hector Sprague - -	The argument of this cause was commenced by Mr Hare for the pltff in Error and continued by Mr Parker and Cope for the defendant in Error. -

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Proclamation being made the Court is adjourned until to morrow morning at eleven oclock. -

Saturday January 27th 1838.—

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices —
Philip P. Barbour
John Catron
John McKinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr. Butler. It is ordered that J. A. Bayard Esquire of the State of Delaware be admitted & practice as an Attorney and Counsellor of this Court and he was duly accordingly —

Saturday January 27th 1838 Continued –

On motion first made to the Court in this behalf by Mr Beardsley. It is ordered that C. Masten Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. –

The President Directors & Company of the Bank of the United States vs. James Daniel Henry Daniel Stone Cunningham and Samuel Hanson. – Appls

On appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel – On consideration whereof It is now here ordered and adjudged by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to discharge the injunction at law and to dismiss the Bill in this cause at the costs of the Complainant. –

"J. M. Mc Kean"

Saturday January 27th 1838. Continued -

The Lessee of Gabriel Swayze and Mary his wife - pltffs in Er vs Robert Burke, D. Sherman, George Jackson & Thomas Linsmore	In Error to the District Court of the United States for the Western District of Pennsylvania -

This cause came on to be heard on the Transcript of the record from the District Court of the United States for the Western District of Pennsylvania and was argued by Counsel - On Consideration whereof it is now here ordered and adjudged by this court that the judgment of the District Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire facias de novo. -

"P. V. Hn: McLean"

The United States pltffs vs Laurence Coombs. —	On a certificate of division of opinion between the Judges of the Circuit Court of the United States for the Southern District of New York -

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of New York and

Saturday January 27th 1838. Continued -

on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel - On Consideration whereof It is the opinion of this Court upon the point which has been certified to this Court by the said Circuit Court that the said offence so committed was within the jurisdiction of the said Circuit Court and it is ordered and adjudged that this opinion be certified to the said Circuit Court accordingly. — "P. V. Mr. Story"

Smith a Bankrupt &c Plff in Er vs Anson Thomas —	Mr Beasley of Counsel for the defendant in Error in this cause now here moved the Court to dismiss this writ of error for the want of jurisdiction which was opposed by Mr Jones of Counsel for the Plaintiff in Error. On Consideration whereof this Court not being now here sufficiently advised of and concerning what judgment to render in the premises doth time to consider. —

Saturday January 27th 1838 Continued.

Henry Toland. Plff in Er vs Hardin Sprague —	The argument of this Cause was concluded by Mr. Griffin for the Plaintiff in Error
Ex parte. In the matter of— The Postmaster General of the United States— vs Elias Rector a Minor —	Mr. Attorney General on behalf of the Post Master General of the United States now here moved the Court for leave to withdraw the motion made by him on a prior day of the present term of this Court viz. on Saturday the 13th day of January A.D. 1838 and also for leave to withdraw from the Office of the Clerk of this Court all the papers filed by him in the cause - On consideration whereof, It is now here ordered by the Court that leave be and the same is hereby granted as prayed for —

J. M. Ch: Jus. Taney

Proclamation being made the Court is adjourned until Monday Morning at eleven Oclock. —

Monday January 29th 1838 –

pursuant to adjournment the court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices –
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

proclamation being made the court is opened –

On motion first made to the court in this behalf by Mr Bradley It is ordered that Asaph Pooms and Abraham P. Grant Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this court and they were severally sworn accordingly –

Monday January 29th 1838. Continued.

On motion first made to the court in this behalf by Mr Coyle. It is ordered that A. T. Field Esquire of the State of Illinois be admitted to practice as an Attorney and counsellor of this Court and he was sworn accordingly. —

The United States. plff in Er vs Andrew M. Laub & The United States. plff in Er vs Andrew M. Laub	The argument of these causes was commenced by Mr Attorney General for the plaintiff in Error continued by Mr. Coyle for the Defendant in Error and concluded by Mr. Attorney General for the plaintiff in Error. —
John Wilcox. plff in Er vs Thos. Hunt & al.	The cause was argued by Mr. Benton for the plaintiff in Error and by Mr. Coyle for the defendants in Error —

Proclamation being made the Court is adjourned until to morrow morning at eleven oclock —

Tuesday January 30th 1838.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices.
Philip P. Barbour
John Catron
John McKinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

William W. Wilmore's adm'r vs Henry Matthews et al	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. —

Tuesday January 30th 1838 Continued.

Isaac Hinckley vs. Jeffrs & al. " The Maryland Ins. Co. Company	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.
The New England Marine Ins. Co. Company - Appellee vs " The Brig Sarah Ann	On motion of the Attorney of counsel for the appellants - It is now here ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court. -
The Mayor &c of George Town vs " The Alexandria Canal Company	This cause having been called for argument and no counsel appearing - It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket -

Tuesday January 30th 1838. Continued.

Charles Scott & Offr 25. vs Offr Thos Lloyd —	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Paulina Whiting Valle vs Frank United States	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Thos McNeil pffr &c vs Isaac Colbrook	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the Docket.

Samuel Pierce pffr vs Samuel Lee —	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Tuesday January 30th 1838 Continued

James Chisholm vs Hiram K Swift vdr	This cause having been called for argument and no counsel appearing – It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.
Abram L Hepburn vs Peter S Worcester	The cause being called for argument and no counsel appearing – It is now here ordered by the Court that the cause be and the same is hereby postponed to the foot of the docket.
Daniel E Prather vs Wm B. G. Dean	The argument of this cause was continued by Mr Long for the Defendant in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Wednesday January 31st 1838.

Pursuant to adjournment the Court met this morning at the Capitol-

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin — Associate
James M. Wayne — Justices -
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.-

Abram S. Hepburn Plff in Error
vs.
Lessee of Oliver S. Wolcott

On motion of Mr. Hepburn of Counsel for the plaintiff in Error in this cause. It is now ordered by the Court that the order of Tuesday postponing this cause to the foot of the docket be and the same is hereby annulled and set aside. -

Wednesday January 31st 1838. Continued.

Daniel & Thomas Effinger
vs
Wm B. Lucas

The argument of the Counsel was Continued by Mr Jones for the defendant in Error and by Mr Benton for the plaintiff in Error.

Proclamation being made the Court is adjourned until Tomorrow Morning at eleven oclock.

Thursday February 1 1838

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Ralph Story
Joseph Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley
} Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John McNeil pltff in Er.	This cause was submitted
29.	to the examination of
Lowell Holbrook	the Court on the record
	by Mr King of Counsel for
	the defendant in Error

Thursday February 1. 1838. Continued.

Daniel F Foster vs Wm H. G. Foster	The argument of this cause was concluded by Mr Burton for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 2 1838.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley
Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

proclamation being made the court is opened —

On motion first made to the court in this behalf by Mr Key It is ordered that Frederick A. Tolley Esqr of the State of Maryland be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

Friday February 2 1838. Continued

On motion ordered that the Court in this behalf by Com. Ogden. It is ordered that Robert A Ward Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

On motion ordered that the Court in this behalf by A.V. Parker. It is ordered that Robert McClellan Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Adam D. Hepburn Jaffa 33. vs Edward P. Nicolls Esqr. —	The argument of this Cause was commenced by Mr. Hepburn for the Plaintiff in Error —
John Jackson Plff in Error 34. vs Henry Franklin & wife	On motion of Mr. Fenton of Counsel for the Plaintiffs in Error. It is ordered by the Court that this Cause be and the same is hereby dismissed. Costs to be paid by the Plaintiffs.

Friday February 2 1838. Continued.

Clarke & Brent. p/ltff in Error 35. vs Wm T. W. Veitch	The argument of the Cause was commenced by Mr Hoban for the pltff in Error.

Order of Court

There having been two associate Justices of this court appointed since the last session It is ordered that the following allotment be made of the Chief Justice and the associate Justices of said court among the Circuits agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record viz.

For the first Circuit - The Honorable Joseph Story
For the second Circuit The Honorable Smith Thompson
For the third Circuit The Honorable Henry Baldwin
For the fourth Circuit The Honorable Roger B Taney Chief Justice
For the Fifth Circuit The Honorable Philip P. Barbour
For the Sixth Circuit The Honorable James M. Wayne
For the Seventh Circuit The Honorable John McLean
For the eighth Circuit The Honorable John Catron
For the ninth Circuit The Honorable John McKinley -

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. -

Saturday February 3d 1838.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Smith Thompson
Henry Baldwin
James M. Wayne Justices
Philip P. Barbour
John Catron
John McKinley
Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion ordered that Richard E. Parker Esqre of the State of Georgia be admitted & practice as an attorney and Counsellor of this court and he has sworn accordingly -

Saturday February 3d 1838. Continued.

Clarke & Brown appl'ts vs. William T. W. White	The argument of the cause was continued by Mr. Hoban for the appellants and by Mr. Marbury for the appellee

Proclamation being made the Court is adjourned until Monday Morning at eleven oclock –

Monday February 5th 1838.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices.
Philip P. Barbour
John Catron
John McKinley.

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr. Russell of New York. It is ordered that Cornelius P. Russell Esquire of the Bar of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Monday February 5th 1838. Continued.

Ex parte. In the matter of Emily L. Poultney and Malvina Poultney - Compts vs The City of La Fayette Defendt	On Motion for a rule on the Judges of the Circuit Court of the United States for the Eastern District of Louisiana to show cause &c.

Mr Cullinan of counsel for the complainants in the above cause now here moved the Court for a rule on the Judges of the Circuit Court of the United States requiring them to show cause why a writ of Mandamus should not be issued to them commanding and requiring the said Judges of the said Circuit Court to make an order remanding their said suit to the rule docket so that your petitioners may proceed therein according to Chancery practice or to make such other order in the case as its circumstances may require. Whereupon this Court not being now here sufficiently advised of and concerning what order and judgment to render in the premises took time to consider.—

Monday February 5th 1838. Continued.

Clarke v Briscoe appts
vs
William S. Wallace —

The argument of this cause was continued by Mr Marbury & Key for the appellee and by Mr Jones for the appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 6. 1838.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk.

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Cope. It is ordered that Mr St Clair Clarke Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this court and he was so accordingly.

Tuesday February 6. 1838. Continued

On motion first made to the court in this behalf by Mr Peters It is ordered that Waddy Thompson Jr Esquire of the State of South Carolina be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

On Motion first made to the Court in this behalf by Mr Preston. It is ordered that C. Downing Esquire of the Territory of Florida be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

On motion first made to the court in this behalf by Mr Anthony. It is ordered that William Dallas Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

Henry Toland. Plff in Er	In Error to the Circuit
28.	Court of the United
Horatio Sprague ——	States for the Eastern
	District of Pennsylvania

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and

Tuesday February 6th 1838. Continued.

and was argued by counsel. On consideration whereof It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

P. V. Hs. Barbour —

Clarke & Briscoe. Appts vs. William G. W. White —	The argument of this cause was concluded by W. Jones for the appellants. —
Moses E. Levy Appt vs. Y. M. Arrindell's adm'r Def't	The argument of this cause was commenced by W. Preston for the appellant and continued by M. Downing for the appellee.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock —

Wednesday February 7th 1838.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Ross & Levy Appts vs. The Mt. Providence Admrs	the argument of this cause was continued by Mr Downing for the appellees and concluded by Mr Thompson for the appellant.

Wednesday February 7th 1838. Continued.

John S. Jenkins vs. Appl[t]	The argument of this cause
vs "	was commenced by Mr. Robert
Sarah M. Pye vs.	S. Brent for the appellant.

William Emerson's Exrs.	This cause having been
vs. " Jeffries &	called for argument and
Charles H. Hall.	no counsel appearing.

It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 8th 1838.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

John L. Lenox et al. appellants
vs.
Sarah M. Pye et al.

The argument of this cause was continued by Mr Fessenden for the appellees and concluded by Mr Jones for the appellants.

Thursday February 8th 1838. Continued

John P Van Ness Val. Pltff in Er 46 " The Bank U. States —	On motion of Mr Coxe of counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed for the present
James Tallmadge Jr Apltf 50. " Henry H. Sibley Adt	On motion of Mr Corwin of counsel for the appellant It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.
Beulah Stelle - Pltff in Er 51 " Daniel Carroll of Dnd.	The argument of this cause was commenced by Mr Robert J Brent for the for the plaintiff in Error. —

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Friday February 9th 1838 —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M Wayne	Justices —
	Philip P Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John McKinney v. Philip A. Peter
to
John Carroll —

On consideration of the suggestion and motion made by Mr Jones of counsel for the plaintiff in Error in this cause on a prior day of the present term of this court, Court on Thursday the 11th day of January It is the opinion of this Court that it is unnecessary to make

Friday February 9th 1838 Continued

the heirs and representatives of John McKinney, whose death has been suggested on the record, parties to this writ of error as the cause of action survives to the two other plaintiffs in Error. "J. M. Lewis McKinley"

John McKinney, William McConnell & Ray Mess. — Pltffs in Er
vs
John Carroll — Deft in Er

In Error to the Court of Appeals for the State of Kentucky —

This cause came on to be heard on the transcript of the record from the Court of appeals of the State of Kentucky and was argued by counsel. On consideration whereof. It is the opinion of this court, that this court has not jurisdiction in this cause, Whereupon it is now here ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction. a[illegible] of which whereby ordered to be certified to the said Court of appeals under the seal of this court. —

"J. M. Lewis McKinley"

Beulah Platte. Pltff in Er
vs
Daniel Carroll of Dud. Deft in Er

The argument of this cause was continued by Mess. Bradley & Hope for the defendant in Error and concluded by Mr. Brent for the plaintiff in Error. —

Friday February 9th 1838. Continued.-

Willard Mc Watmore &c Plff in Er vs Henry Mathewson Def in Er	The argument of this cause was commenced by Mr Southard for the Plaintiff in Error, continued by Mr Fillmghast & Webster for the defendant in Error and concluded by Mr Southard for the Plaintiff in Error -
John F. Steen Plff in Er vs William Bowman Def in Er	On motion of Mr Crittenden of counsel for the Plaintiff in Error - It is now here ordered by the Court that this cause be and the same is hereby postponed for the present -
N. Rogers & Sons Plff in Er vs James M. Batchelor Def in Er	This cause having been called for argument and no counsel appearing - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. -

Friday February 9th 1838 Continued

William Rossell Pffs & vs Jams T. Duvall Dft	This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

William G. Cook Pffs & vs John D. Moffat Dft	This cause having been called for argument and no counsels appearing it is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Clement Woodward Pffs & vs James Brown & wife	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.

Friday February 9th 1838 Continued

Edward Tarbet Vs. Appt Vs. To The United States	This cause having been called for argument and no counsel appearing. It is

now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Thomas Hammonds adms. Vs To George Washington Exrs	On motion of Mr. Cope of Counsel for the appellants. It is now here ordered by the

Court that this cause be and the same is hereby continued to the next term of this court. —

Isaac of Ann Walker Vs. Pltff To William Penn Vs	On motion of Mr Coe of Counsel for the Plaintiff. It is now here ordered by the court

that this cause be and the same is hereby continued to the next term of this court. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Saturday February 10th 1838

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices —
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in the behalf by Mr Peters It is ordered that William M. Biddle and Fred. Walls Esquire of the State of Pennsylvania be admitted to practice as attorneys and Counsellors of this Court and they were severally sworn accordingly

Saturday February 10th 1838. Continued

The United States for Use vs Andrew M. Laub.	In Error to the Circuit Court of the United States for the District of Columbia holden in

and for the County of Washington -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. -

"Wm. Thompson"

The United States for Use vs Andrew M. Laub	In Error to the Circuit Court of the United States for the District of Columbia holden in

and for the County of Washington -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel -

On Consideration Whereof, It is now here ordered and

Saturday February 10th 1838. Continued

adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed — Js. M. Nr. Thompson

Ebenezer Rodbird. Plff in Er.	In Error to the Circuit Court
82.	of the United States for the
Lessee of Eliza Ann Rodbird.	District of Columbia holden
	in and for the County of Washington.

Mr Marbury of counsel for the defendant in Error in this cause having filed and read in open court the following certificate. Dist. District of Columbia County of Washington, Sct. I William Brent, Clerk of the Circuit Court of the District of Columbia for the County of Washington hereby certify that in an action of Ejectment pending in the said Court in which Richard Roe, Lessee of Eliza Ann Rodbird was plaintiff and Ebenezer Rodbird was defendant, the said Court at the term thereof which was held for the said County in the City of Washington on the Fourth monday of March in the year 1837 rendered judgment in favour of the said plaintiff. Whereupon the said defendant sued out a writ of error to the said Circuit Court directed, and in pursuance thereof a transcript of the record of proceedings in said Court was made out and transmitted to the Supreme Court of the United States on the

Saturday February 11th 1838 Continued

13th day of December 1837.—

In Testimony whereof I hereunto subscribe my name and affix the Seal of the Circuit Court at the City of Washington this 10th day of February 1838.— Wm Brent Clk C.C.U.S. Dist Col. City of Washington

Now here moved the Court to docket and dismiss this writ of error. On consideration whereof. It is now here ordered and adjudged by this court that this writ of error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington be and the same is hereby docketed and dismissed and that it be so certified to the said Circuit Court.— Jos. Mc Ch. Jus. Taney

Nicholas Wilsons Heirs &c &c vs. The Life & Fire Ins. Co. City of N. York	Mr Coxe of Counsel for the plaintiffs in error in this cause having suggested upon the record

the death of Mr Chesnut and Mr Wilson, Tutor and Tutrix of the minors since the last continuance of this cause now here moved the court for leave to make proper parties and to continue this cause to the next term of this court. On consideration whereof

Saturday February 10th 1838 Continued

It is now here ordered by the court that the leave as prayed for be and the same is hereby granted and that this cause be and the same is hereby continued to the next term of this court. —

Ex parte In the matter of
Charles S. Sibbalds Apptt
vs
The United States —

103
1836

On motion for this court to reform the mandate ispued in this case so as to conform the same to the opinion of this court rendered in this cause at January Term 1836, or to ispue a mandate to the Surveyor General of the District of East Florida to do those acts and things which he is commanded to do by the said judgment of this court and which are enjoined on him by law —

Mr Clarke of counsel for the appellant in the above entitled cause now here proceeded to argue in support of the motion — Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider —

Saturday February 10th 1838. Continued.-

Ex parte. In the matter of Samuel Veazie - pltff vs Ira Wadleigh Jesse Wadleigh James Purrington & Daniel W. Bradley. — —	On motion for an order to recover costs in this court and in the court below in this cause.- Mr. Wheeler of counsel for the defendants in the

above entitled cause which was dismissed by this court at its January Term 1837 now here moved this court to take such further order that, pursuant to the terms upon which said Veazie asked for the dismissal of said action and to the judgment of this court thereon at its last January Term they may be enabled to recover against said Veazie their costs as well in this court as in the court below. Whereupon this court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider. —

Martha Bradstreet pltff in Ex. vs Anson Thomas — —	The motion made in this cause on a prior day of the present term of this court to wit. on

Saturday the 27th of January to dismiss this cause for the want of jurisdiction was argued by Messrs. Mayo & Sons

Saturday February 10th 1838 Continued

Joseph Lynch plff in Er &	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. —
Ambrose Carnage	
Johnson Pope plff in Er.	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. —
The State of Georgia	
James M. Reynolds vs.	The argument of this cause was commenced by Mr. Southard for the plff in Error
James F. Douglass vs	

Proclamation being made the court is adjourned until monday morning at eleven oclock. —

Monday February 12th 1838

pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices -
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened. -

On motion first made to the court in this behalf by Mr. Peters. It is ordered that John N. Conyngham Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly -

Monday February 12. 1838 Continued.

James M. Reynolds vs 12 to Eff'or James H. Douglass Vals	The argument of this cause was continued by Mr Jones for the defendants in error and concluded by Mr Southard for the plaintiff in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday February 13th 1838.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate
	James M Wayne	Justices -
	Philip P. Barbour	
	John Catron	
	John McKinley -	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened -

Ex parte In the matter of Emily P. Mathilda Pouilney vs Corpn The City of La Fayette Exhibt & al

On motion for a rule on the Judges of the Circuit Court of the United States for the Eastern District of Louisiana to show cause &c

On consideration of the motion made in this

Tuesday February 13th 1838 Continued.

cause on a prior day of the present term of this Court to wit on Monday the 5th day of February A.D. 1838 by Mr Cutting of Counsel for the petitioners for a rule on the Judges of the Circuit Court of the United States for the Eastern District of Pennsylvania to show cause why a writ of Mandamus should not be awarded to them directed, commanding them the said Judges to make an order remanding the above suit to the rules docket of the said Circuit Court so that the petitioners therein may proceed according to Chancery Practice and of the arguments of Counsel thereupon had. It is now here ordered and adjudged by this Court that the said motion be and the same is hereby overruled.

Jr. M. Ch. Jus. Taney

Nathaniel P. Benton, District Attorney of the United States of America in & for the Northern District of New York, who prosecutes for the said United States of America

v. &c. Appellant

Melancthon T. Woolley, The President, Directors & Company of the Bank of Utica & Elisha Camp, & Alvah Kinney, impleaded with Thomas Toomis and Anson Phelps.

On appeal from the District Court of the United States for the Northern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for

Tuesday February 13 1838. Continued-

the Northern District of New York and was argued by Counsel - On consideration whereof It is ordered and ordered by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed - "Jos. M. Ch. Jus. Taney"

Amos Kendall Postmaster Genl U.S.
vs
Joseph Stiff & Ex

The United States on the relation of William B. Stokes et al - -

Amos Kendall Postmaster Genl U. S.
vs
Joseph Stiff & Ex

The United States on the relation of William B. Stokes et al - -

The question of the jurisdiction of this Court was argued by Messrs King & the Attorney General in support of the jurisdiction of this Court -

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Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock -

1838.

Wednesday February 14 1838. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin — Associate
James M Wayne — Justices —
Philip P. Barbour
John Catron
John McKinley

Mr Hunter Esqr Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court was opened —

On motion just made to the Court in this behalf by Mr Jones. It is ordered that Augustus B. Longstreet Esqr one of the State of Georgia be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Wednesday February 14th 1838. Continued -

On motion first made to the court in this behalf by Mr Peters. It is ordered that Pardon C. Tiffany Esquire of the State of Massachusetts be admitted to practice as an Attorny and Counsellor of this court and he was sworn accordingly -

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On motion first made to the Court in this behalf by Mr Benton. It is ordered that A. C Smith Esquire of the State of Vermont be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly -

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The United States. apptt 41. vs Joseph Delaspines heirs	This cause was argued by Mr. Attorney General for the appellant -
The United States. apptt 42. vs Stephaniah Kingsley -, vs The United States. apptt 43. vs William Mills' heirs.	These causes were argued by Mr. Attorney General for the appellant -

Wednesday February 14 1838 Continued

Jonathan Meredith vel 14 vs pffs in Er The United States	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Le la Fayette Wilcox pffs in Er 47 vs Lessee of Murray McConnel	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Pierre Chouteau pffs in Er 48 vs Baptiste, a boy of colour	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket.

Pierre Chouteau pffs in Er 49 vs Marguerite, a woman of colour.	This cause having been called for argument and no counsel appearing. It is now here ordered

Wednesday February 14 1838. Continued.

by the court that this cause be and the same is hereby postponed to the foot of the docket.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.

Thursday February 15. 1838 —

pursuant to adjournment the court met this morning at the capital —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices. —
Philip P. Barbour
John Catron
John McKinley —
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the court is opened —

On motion first made to the court in this behalf by M. Butler. It is ordered that George C. Dixon Esquire of the State of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly.

Thursday February 15. 1838. Continued –

John McNeil. pff in Er 29. vs Lowell Holbrook	In Error to the Circuit Court of the United States for the District of Georgia –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and was argued by counsel – On consideration whereof. It is adjudged and ordered by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum –

"Jos. McC. Ch. Jus. Taney"

N. Rogers & Sons. pff in Er 53. vs James M. Batchelor & al	This cause having been called for argument and no counsel appearing It is now here ordered

by the court that this cause be and the same is hereby postponed to the foot of the docket. –

William G. Cook pff in Er 56. vs John S. Moffat & al	This cause having been called for argument and no counsel appearing – It is now here ordered

Thursday February 15. 1838 Continued

by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Clement Woodward - pff in er vs James Brown &c.	This cause having been called for argument and no counsel appearing.

It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Enoch Sarchet &c - Appt vs The United States —	This cause having been called for argument and no counsel appearing.

It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Nathan Carr &c - Appt vs Joseph Hoppie —	This cause having been called for argument and no counsel appearing

It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Thursday February 15 1838. Continued –

William Wallace pff in Er 79 vs Corry M'Connell —	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

Lessee of Charles Bell val 80. vs Jeffs & Co. Thomas Reid & val	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court —

Samuel H. Duncan pff in Er 81 vs Reuben Rickets —	This cause having been called for argument and no counsel appearing It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket. —

William M'Elmoyle — 83. vs Jeffs in Er. Levy Laurence's admr —	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. —

Thursday February 15. 1838. Continued -

The Mayor &c of George Town Dit. — vs — Appellants The Alex. Canal Company	The argument of this cause was commenced by Mr. Key for the appellants; continued by Mr. Boyle and Jones for the appellee and concluded by Mr. Key for the appellants.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 16. 1838 –

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin Associate
James M. Wayne Justices –
Philip P. Barbour
John Catron
John McKinley –

Alexander Hunter Esquire Marshal.
William Thomas Carroll Clerk

Proclamation being made the Court is opened –

On motion first made to the Court in this behalf by Mr Fuller It is ordered that Chester Butler and James Burnside Esquires of the State of Pennsylvania be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly –

Friday February 16. 1838. Continued —

On motion first made to the court in this behalf by Mr. Butler. It is ordered that John Nelson Bryne of the State of Maryland be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly —

Benjamin Buchanan Vs
vs
Jos Iff in Er
Lessee of Margaret Palmer Vals

On motion of Mr. Jones of counsel for the defendant in Error. It is now here ordered by the court that this cause be and the same is hereby postponed for the present. —

Isaac Bradlee Vs Jos Iff in Er
vs
The Maryland Ins Co Company

The argument of this cause was commenced by Mr Johnson for the plaintiffs in Error and continued by Mr Stewart for the defendant in Error —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Saturday February 17 1838. —

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice —
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley
Associate Justices —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

Samuel H. Duncan —
vs
Reuben Ricketts —

M. Gilpin of counsel for the defendant in Error moved the court to affirm the judgment of the said Circuit Court in this cause with costs and ten per cent damages under the rule of this Court, the said writ having been sued out merely for

Saturday February 17. 1838. Continued

delay - On consideration whereof this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider. —

James West. apptt
vs
Walter Brashear —

On appeal from the Circuit Court of the United States for the District of Kentucky
Mr Crittenden of counsel.

for the appellee now here moved to docket and dismiss this appeal, the record of which has been lodged and now remains with the Clerk of this court, because the appellant has failed to prefect this appeal by executing the fee Bond required by the rules of this court - Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider —

Ex parte: In the matter of Louisa Livingston Extx of Edward Livingston, dec'd Apptt
vs
Benjamin Story

59 U 1857

On motion for a mandamus to the Judge of the Circuit Court of the United States for the Eastern District of Louisiana
Mr Crittenden of counsel

Saturday February 17th 1838. Continued.

for the appellee in the above entitled cause now here moved the court to award a writ of mandamus in the nature of a writ of procedendo to compel the Judge of the Circuit Court of the United States for the Eastern District of Louisiana to sign the Bill of exceptions tendered to him by the counsel of the appellee in this cause and to permit the record of the case to speak the truth - Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider -

John F. Stein - Plff in Er
vs.
William Bowman et al

On motion of Mr Brillenden of counsel for the plaintiff in Error - It is ordered by the court that the Clerk have those parts of the records of this cause that are in the German language translated by a sworn translator and that he have such translation printed for the use of this court -

Saturday February 17 1838. Continued

Ex parte In the matter of Louisa Livingston Exx of Edward Livingston, dec.d - 59/1837 vs Benjamin Story -	On motion for a mandamus to the Circuit Court of the United States for the Eastern District of Louisiana - M. Key of counsel for the appellant in this cause moved the court for leave to withdraw from the files of this court the papers this day filed on the above motion to enable him to examine the same - On consideration whereof, It is now here ordered by the court that the leave prayed for be and the same is hereby granted on the condition that he return them to the files of this court within six days from this date -
Isaac Bradlee & al pltffs in Er. 22. vs The Maryland Ins.ce Company	The argument of this cause was continued by Messrs Stewart & Meredith for the defendant in Error and concluded by Mr Johnson for the plaintiff in Error. -

Proclamation being made the court is adjourned until Monday morning at eleven oclock. -

Monday February 19 1838 -

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
	Henry Baldwin	Justices. -
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

John H. Clarke admr of	On appeal from the
Willard M. Wetmore	Circuit Court of the
vs. Appl	United States for the
Henry Mathewson, Cyrus	District of Rhode Island.
Butler, Samuel Wetmore	This cause came on
and Edward Carrington.	to be heard on the
	transcript of the record

Monday February 19 1838. Continued

from the Circuit Court of the United States for the District of Rhode Island and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this court that the decree of the said Circuit Court dismissing the Bill of Review in the cause ought to be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this court and according to law.—

"P. V. Mc. Daniel"—

Samuel W. Duncan et al. vs Reuben Rickets—	In Error to the Circuit Court of the United States for the District of West Tennessee.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel— On consideration whereof It is now here adjudged and ordered by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of ten per centum per annum.—

"P. V. Ch. Jus. Taney"

Monday February 19th 1838. Continued.

Ex parte In the matter of Samuel Veazie - pltff to Ira Wadleigh & al	On motion of Mr Webster for an order to enable the defendants to recover their costs in this Court and the Court below in this cause. —

41 of 1837

On Consideration of the motion made in this cause (which was removed to this court upon a certificate of division in opinion of the Judges of the Circuit Court of the United States for the District of Maine upon the motion and by the request of said Samuel Veazie pursuant to the act of Congress in such case made and provided, and which was dismissed by this court at the last January term hereof, on Saturday the fourteenth day of January A.D. 1837 pursuant to his written notice & that effect filed in the case) by Mr Webster of Counsel for the defendants on a prior day of the present term of this Court, to wit, On Saturday the 10th of February A.D. 1838 for an order of this Court that, pursuant to the terms upon which said Veazie asked for the dismissal of said action, and in the judgment of this court thereon at the last January term they may be entitled to recover against said Veazie their costs as well in this court as in the

Monday February 19th 1838. Continued.

Court below. It is now here ordered that the Clerk of this Court proceed to tax the costs due by the Plaintiff to the defendants in this court and that he certify the amount of the same to the said Circuit Court under the seal of this Court. —

Amos Kendall, Postmaster General of the United States - pff in Er 36. vs William B. Stokes def't — vs Amos Kendall, Postmaster General of the United States - pff in Er 37 vs William B. Stokes def't —	The argument of these causes was commenced by Mr. Key for the pff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 20th 1838.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Court	Henry Baldwin	Associate
	James M. Wayne	Justices—
	Philip P. Barbour	
	John Catron	
	John McKinley—	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

Martha Brackenridge pltff in Er	On motion to dismiss
vs	this writ of error for
Anson Thomas ———	the want of jurisdiction.

On consideration of the motion made in this cause by Mr Beardsley of Counsel for the defendant in Error on a prior day of the present term of this Court, to wit, on Saturday the 17th of

Tuesday February 20th 1838. Continued.

January A.D. 1838, to dismiss this writ of Error for the want of jurisdiction by reason of the omission to aver the Citizenship of the Tenant, and of the arguments of Counsel thereupon had as well in support of as against the motion. It is now here ordered and adjudged by this Court that the said motion be and the same is hereby overruled.—

"Jn. M. Ch: Jus: Taney"

Frances West vel- appts
v.
Walker Brashear —

On motion to docket and dismiss this appeal from the Circuit Court of the United States for the District of Kentucky.—

On consideration of the motion made in this cause by Mr. Crittenden of Counsel for the appellee on a prior day of the present Term of this Court, that on Saturday the 17th day of February A.D. 1838, to docket and dismiss this appeal upon the record which has been lodged by the appellants with the Clerk, but which has not been filed and docketed because the appellants have failed to give bond to secure the fees to the Clerk of this Court as prescribed by the 31st rule of this Court. It is now here ordered and adjudged by this Court

Tuesday February 20th 1838. Continued.-

that this motion be and the same is hereby overruled. — "Jr. M. Ch. Jus. Taney"

On motion first made to the court in this behalf by Mr Butler. It is ordered that Alexander Duncan Esquire of the State of Ohio be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. —

On motion first made to the court in this behalf by Mr. Benton. It is ordered that John Ricord Esquire of the State of New York be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly. —

Amos Kendall, Postmaster General of the United States Jr Appellee

36. vs

William B. Stokes Val

vs

Amos Kendall, Postmaster Genl. of the United States. Jr Appellee

37. vs

William B. Stokes Val

The argument of this cause was continued by Mr. Key for the plaintiff in Error. —

Tuesday February 20th 1838. Continued-

James M'Bride's Lessee	
" "	Jeffries
William Hoey —	

11th 1837

Mr Peters now here moved the Court for leave to withdraw from the files of the Court an original deed from Aaron Hackney & William Huey Jr. of the 14th October A.D. 1822 which was filed in this Cause on the trial thereof in this Court at its last January Term- On consideration whereof, It is now here ordered by the Court that leave be and the same is hereby granted as prayed for on the condition that a true copy thereof be left in its stead on the files of the Court.-

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Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.-

Wednesday February 21st 1838. –

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M Wayne	Justices. –
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Butler. It is ordered that William M. Price Esquire of the State of New York be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. –

Wednesday February 21st 1838. Continued.

The State of Rhode Island & Providence Plantations vs. Complt The Commonwealth of Massachusetts	Bill in Equity. On consideration of the motion made by Mr. Webster on a prior day of the present term of this Court, viz: on Monday the 15th day of January A.D. 1838 to dismiss the Complainants Bill filed in this case for the want of jurisdiction and of the arguments of counsel thereupon had as well in support of as against the said motion. It is now here ordered and adjudged by this court that the said motion be and the same is hereby overruled. — "Jos. M. Hus. Baldwin" (Mr. Justice Story did not sit in this case.)
Amos Kendall, Postmaster Genl. of the United States - pltff in Er vs. William B. Stokes def. Amos Kendall, Postmaster Genl. of the United States - pltff in Er vs. William B. Stokes def.	The argument of these cases was continued by Mr Cope for the Defendants in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 22d 1838. –

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices. –
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

On motion first made to the Court in this behalf by Mr Johnson. It is ordered that Jacob Martin Jr Esquire of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. –

Thursday February 22d 1838. Continued -

The Mayor Recorder Aldermen and Common Council of Georgetown - Appellants
vs
The Alexandria Canal Company and William Turnbull

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel - On Consideration It is decreed and ordered by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

J. M. Jus: Barbour -

Joseph S. Clarke and Richard G. Briscoe - Appellants
vs
William G. W. White

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden

Thursday February 22d 1838. Continued.

in and for the County of Washington and was argued by Counsel. On Consideration whereof It is decreed and ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — Jos. M. Hos: Catron. —

John I. Jenkins & Robert Morrow & Mary his wife. vs. Sarah Maria Pye & Edward Arell Pye, infants under the age of 21 years, by James B. Pye their father and next friend. —

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On Consideration whereof, It is decreed and ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed & that this cause be and the same is hereby remanded to the said Circuit Court with directions to dismiss the

Thursday February 22d 1838. Continued -

William Elmoyle. plff-	This cause was submitted
83. vs	to the Consideration of
Levy Florence's adms-	the Court on the record

and printed arguments by Mr. Longstreet in behalf of the plaintiff and by Mr King for the defendant. -

Amos Kendall, Postmaster Genl	
of the United States- plff in Er	
36. vs	The argument of
William B. Stokes et al	these causes was
vs	continued by Mr. Coxe
Amos Kendall, Postmaster Genl	for the defendants in
of the United States- plff in Er	Error. —
37. vs	
William B. Stokes et al	

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Friday February 23d 1838.

Pursuant to adjournment the Court met this morning at the Capitol -

Present -

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices -
	Philip P. Barbour	
	John Catron	
	John McKinley -	

Alexander Hunter Esquire Marshall
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

Amos Kendall, Postmaster Genl. of the United States - pltff in Er

vs

William B. Stokes & al

Amos Kendall Postmaster Genl. U. S.

vs

William B. Stokes & al

pltff in Er

The argument of these causes was continued by Messrs Cope & Johnson for the defendants in Error.

Saturday February 24th 1838.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon[ble] Henry Baldwin Associate
James M. Wayne Justices -
Philip P. Barbour
John Catron
John McKinley -

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened

Beulah Stille. Plff in Er
vs.
Daniel Carroll of Bad[r]

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and

Saturday February 24th 1838. Continued -

for the County of Washington and was argued by Counsel - On Consideration whereof, On Consideration Whereof, It is now here adjudged and ordered by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. - "Jn. M. Ch. Jus. Taney"

The State of Rhode Island & Providence Plantations - by Comp.t vs The Commonwealth of Massachusetts -	Mr. Webster having filed and read in open Court the following Motion to wit

"Supreme Court of U. States - Jan. Term 1838 -
"State of Rhode Island vs State of Massachusetts.
On the 21st day of February, in said Term, Daniel Webster on behalf of said State of Massachusetts and as her Attorney and Counsel in Court, moves the Court now here for leave to withdraw the plea filed in this cause on the part of said State of Massachusetts, and also the appearance which has been entered in this Court for said State. Daniel Webster" Now here proceeded to argue the same, which was opposed by Mr. Hazard & Southard of Counsel for the Complainant. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time

Saturday February 24th 1838. Continued

Nicholas Wilsons heirs &c
vs.
The Life & Fire Insurance Company of New York

Mr Cope of counsel for the plaintiffs in Error now here withdraws his suggestion and motion made by him in this cause on a former day of the present term of this court, to wit, on Saturday the 10th of February A.D. 1838 and now here renews the same to the end that they may be argued, and proceeded with the permission of the court & argue in support of the same, which was opposed in argument by Mr Butler of counsel for the defendants in Error.

Whereupon, this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.—

Edward Tarbet Vale
vs.
The United States

Mr Attorney General in behalf of the appellee now here moved the court to dismiss this cause because the same is brought here by appeal instead of by writ of Error and because it is not a case that can be brought here either by appeal or writ of Error.—

Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.—

Saturday February 24th 1838. Continued -

Ex parte In the matter of Louisa Livingston Exx of Edward Livingston &c? Appellt
vs
Benjamin Story

On motion of Mr Cutten-den for a mandamus to the Circuit Court of the United States for East Louisiana. --

Messrs Key and Butler of Counsel for the appellant in the above intitled cause now here produced to shew cause why a writ of Mandamus should not be awarded as prayed for and that the said motion should be overruled. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.

The State of Rhode Island &c Providence Plantations Compt
vs
The Commonwealth of Massachusetts.

Mr Hazard of Counsel for the Complainant Having filed and read in open court the grounds of his motion now here moved the Court for leave to withdraw the general replication to the defendants plea in bar and answer and to amend the original Bill, which was supported by Mr Southard also of Counsel for the Complainant. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time

Saturday February 24th 1838. Continued.

Amos Kendall Postmaster Genl of the United States plff in Er
vs
William B. Stokes def

vs

Amos Kendall, Postmaster Genl of the United States plff in Er
vs
William B. Stokes def

The argument of these causes was continued by Mr Johnson for the defendants in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock —

Monday February 26th 1838.-

Pursuant to adjournment the Court met this morning at the Capitol-

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.-
	Philip P. Barbour	
	John Catron	
	John McKinley-	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.-

Proclamation being made the Court is opened.-

James M. Reynolds, John B. Byrne & William Fortune, Merchants trading in Copartnership in and under the name of Reynolds, Byrne & Co -> 12 -<-	In Error to the District Court of the United States for the District of Mississippi-
James L. Longcope, John G. Singleton & Thomas Young -	This Cause came on to be heard on the Transcript of the

Monday February 26th 1838 Continued.

record from the District Court of the United States for the District of Mississippi and was argued by Counsel on consideration whereof. It is now here adjudged and ordered by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said District Court with directions to award a venire facias de novo — "P. P. Barbour"

/ Mr Ch. Jus. Taney did not sit in this Case /

Amos Kendall, Postmaster Genl. of the United States - Plaintiff in Error
36. vs
William B. Stokes Defendant

&

Amos Kendall, Postmaster Genl. of the United States - Plaintiff in Error
37. vs
William B. Stokes Defendant

The argument of these causes was continued by Mr Attorney General for the Plaintiff in Error. —

Proclamation being made, the Court is adjourned until to morrow morning at eleven o'clock —

Tuesday February 27 1838 -

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate
James M. Wayne Justices -
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

Order of Court

The Justices of the Supreme Court having been invited by a committee of the House of Representatives to attend the funeral of the Honorable Jonathan Cilley late a member of the House of Representatives, and it being so ordered

Tuesday February 27th 1838. Continued

known that the deceased was killed in a duel fatally fought by him, the members of the Court have on that account deemed it to be their duty to confer together in order to determine upon the course proper for them to pursue, and after mature and solemn deliberation they have come to the following resolutions.—

Resolved, That the Justices of the Supreme Court entertain a high respect for the character of the deceased—sincerely deplore his untimely death and sympathize with his bereaved family in the heavy affliction which has fallen upon them.—

Resolved, That with every desire to manifest their respect for the House of Representatives and the Committee of the House by whom they have been invited and for the memory of the lamented deceased, the Justices of the Supreme Court, cannot consistently with the duties they owe to the public, attend in their official characters, the funeral of one who has fallen in a duel.—

Ordered, That these proceedings be entered on the minutes of the Court, and that the Chief Justice enclose a copy to the Chairman of the Committee of the House of Representatives.—

Tuesday February 27th 1838 Continued -

"Washington Feb. 27 1838

Sir, In obedience to the directions of the Supreme Court I have the honor to send you the enclosed resolutions, and at the same time to express the sincere regret of the members of the court that an occasion should have occurred in which the obligations of duty will not permit them to attend in their official characters the funeral of a highly respected member of the House of Representatives. -

I have the honor to be Sir
with high respect
Your obt Servt
R. B. Taney -

Hon: Geo: Evans - House of Representatives. -"

"Hon: Roger B. Taney
Chief Justice Supreme Court U. S. -
Sir.

I am directed by the Committee of the House of Representatives appointed to take order for superintending the funeral of Jonathan Kelley, deceased, late a member from the State of Maine, to apprise you that the funeral will take place at 12 Oclock, meridian,

Tuesday February 27th 1838. Continued

From the Representatives Chamber —

I have the honor to invite your attendance and to suggest that arrangements will be made to receive you in the Senate Chamber at that hour, preparatory to proceeding to the Hall of the House. —

I am with high consideration

Your obt Servt

Feb. 26. 1838. — Geo. Evans Chairman &c

On motion first made to the Court in this behalf by Mr Peters It is ordered that Peter McCall Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Nathaniel Williams vs. } On motion of Mr Attorney
21. } pleas &c General of Counsel for
The United States — } the defendant in Error
and by consent of Counsel for Plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Tuesday February 27th 1838. Continued -

Jonathan Meredith vs 4th vs Pffs in Er The United States.	On motion of Mr Attorney General of counsel for the defendant in Error and by consent of counsel of Plaintiffs in Error. It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. -
Amos Kendall, Postmaster Genl. of the United States - Pff in Er 35. vs William B. Stokes vs and Amos Kendall, Postmaster Genl. of the United States - pff in Er 37. vs William B. Stokes vs	The argument of these causes was concluded by Mr Attorney General for the Plaintiff in Error -

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. -

Wednesday February 28th 1838.

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices –
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

Benjamin R. Lyon and Pierre T. Boucher & Charles Gardiner Exrs of P. P. Hall. pltffs in Er. vs James Auchincloss & Co.	In Error to the District Court of the United States for the Eastern District of Louisiana –

This cause came on to be heard on the transcript of the record from the

Wednesday February 28th 1838. Continued.

Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel the consideration whereof. It is now here adjudged and ordered by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of five per centum per annum -

"Jo. M. Gno. McLean"

Temperance Buchanan Pl	In Error to the
Isaac T. Avery - Pl in Er.	Circuit Court of
vs.	the United States
Legee of Margaret Talmerval	for the District of
	North Carolina -

Mr. Webster of Counsel for the plaintiffs in Error having stated that the matters and things in controversy in this case had been settled and agreed between the parties now here moved the court to dismiss this cause, to which Messrs Potter and Jones of Counsel for the defendant in Error assented - On consideration whereof. It is now here adjudged and ordered by this court that this writ of error to the Circuit Court of the United States for the District of North Carolina be and the same is hereby

Wednesday February 28th 1838 Continued

dismissed, and that it be so certified to the said Circuit Court.—

"Jr. M. Ch. Jus. Taney"

Nicholas Williams heirs. —
v. } Writ of
The Life & Fire Ins. Company
of New York. —

Mr Butler of counsel for the defendant in Error moved the court to dismiss this cause on the ground that the writ of Error is vicious and irregular, which was opposed by Messrs Coxe & Webster of counsel for the plaintiff in Error. Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.—

The Heirs of Margaret Latimer &c
v. } As
William Poteet. —

Mr Webster of counsel for the defendant in Error moved the court to continue this cause to the next term, which was opposed by Messrs Potter & Jones of counsel for the plaintiff in Error. On consideration whereof, It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this Court.—

Wednesday February 28th 1838. Continued –

James Galloway Jr. appt
vs.
Henry H. Finley vel

This cause was submitted to the consideration of the Court on the record and printed arguments of Mr Corwin in behalf of the appellant and by Mr Fetterman of counsel for the appellees –

William G. Cook plff in Er.
vs.
John D. Moffat vel

On motion of Mr Johnson of counsel for the plaintiff in Error. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. –

The Lessee of Margaret Palmer vel
vs.
David Underwood

Mr Webster of counsel for the defendant in Error moved the Court to continue this cause to the next term, which was opposed by Messrs Potter and Jones of counsel for the plaintiff in Error. On consideration whereof, It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. –

Wednesday February 28th 1838. Continued-

Charles Tebbs Bailiff &c 25. vs John Sloyd	The argument of this cause was commenced by Mr. Innes for the plaintiff in Error and continued by Messrs Key and Swann for the defendant in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.

Thursday March 1st 1838.

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices.
Philip P. Barbour
Wm Catron
John McKinley.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

On motion first made to the court in this behalf. It is ordered that Richard Ward Greene Esquire of the State of Rhode Island be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly. —

Thursday March 1st 1838. Continued

Edward Packet Albert Woodhull & Edward Minturn - vs. The United States	On appeal from the Circuit Court of the United States for the Southern District of New York. —

On consideration of the motion made in this cause by Mr Attorney General on a prior day of the present term of this court, to wit, on Saturday the 24th day of February A.D. 1838 and of the arguments of counsel thereupon had, it is the opinion of this court, that this being a suit at law is irregularly brought here by appeal instead of by writ of error, and that being a case at law removed from the District to the Circuit Court, the judgment of the Circuit Court is final and that therefore this court has not jurisdiction - Whereupon it is now here ordered, adjudged and decreed by this court that this appeal be and the same is hereby dismissed, and that it be so certified to the said Circuit Court. -

"P: M: Ch: Jno: Taney"

Thursday March 1st 1838. Continued –

The Heirs of Nicholas Wilson &c. vs. The Life and Fire Insurance Company of New York —	In Error to the District Court of the United States for the Eastern District of Louisiana

On Consideration of the motion made in this cause yesterday by Mr Butler to dismiss this case for irregularity or the ground that the writ of error does not set forth the names of all the parties, and of the arguments of counsel thereupon had as well in support of as against the motion. It is now here ordered and adjudged by this court that this writ of error to the District Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed, and that it be so certified to the said District Court. – "P. Mr. Ch: Jus: Taney."–

John Wilcox &al – plffs in Er. vs. Thomas Hunt &al —	It is now here ordered by the court that this cause be and the same is hereby continued to the

next term of this court for further argument, and that the Clerk furnish the counsel of either party with a copy of the points upon which the court will expect an argument at the

Thursday March 1st 1838. Continued –

Charles Scott Bailiff &c 28. vs pff in Er John Lloyd —	The argument of this cause was continued by Mr Swann for the defendant in Error and concluded by Mr Coxe for the plaintiff in Error –
Paulina Whiting) Val. appltz 27. vs The Bank of the United States.	It is now here ordered by the court that this cause be and the same is hereby continued to the next Term of this court –
Manuel Garcia – pff in Er 30. vs Samuel Lee —	The argument of this cause was commenced by Mr McCaleb for the pff in Error. –

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. –

Friday March 2nd 1838.-

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Manuel Garcia, Plff in Er	This cause was
30. vs	further argued
Samuel Lee	by Mr. McCaleb

for the plaintiff in Error and by Mr. Jones for the Defendant in Error. -

Friday March 2d 1838. Continued -

William Adams vs	This cause was submitted
84. to Jeffs	to the court on printed arguments
Calvin Jones —	by Mr Fogg for the plaintiff
	and by Mr Yerger for the defendant -

Proclamation being made the court is adjourned
until tomorrow morning at eleven oclock. —

Saturday March 3d 1838.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices—
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

Isaac Bradlee & Thos Gibbons—	In Error to the Circuit
32. vs	Court of the United
The Maryland Insurance Company	States for the District
	of Maryland.—

This cause came on to be heard on the Manuscript of the record from the Circuit Court of the United States for the District of Maryland and was

Saturday March 3d 1838. Continued

argued by counsel - On Consideration whereof. It is now
here adjudged and ordered by this court that the judg-
ment of the said Circuit Court in this cause be and
the same is hereby affirmed with costs and damages
at the rate of six per centum per annum -

"P. V. Dan: Story"

The United States - appellants vs Joseph Delespines Luis & Michael Lazarus. Enoch Worrall and John Drysdale	On appeal from the Superior Court for the District of East Florida. This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel - On consideration whereof, It is now here decreed and ordered by this court that the decree of the said Superior Court in this cause be and the same is hereby affirmed. - "P. V. Mr. Justice Wayne"
Manuel Garcia. plff in Er vs Samuel Lee	The argument of this cause was continued by Mr. Southard for the plaintiff in Error. -

Saturday March 3d 1838. Continued.-

John Zacharie Heirs &c 34. vs Jeffn Co Henry Franklin Heirs &c.	This cause was submitted to the consideration of the Court on printed arguments by Mr Preston for the plaintiffs in Error and by Mr Benton for the defendant in Error.-

Moses E. Levy. apptt 39. vs Charles Robes, admr of Fernando de la maza Arredondo & Juan de Entralgo-	On appeal from the Court of appeals for the Territory of Florida This cause came on to be heard on the transcript of the record from the Court of appeals for the Territory of Florida and was argued by Counsel- On Consideration whereof, it is the opinion of this Court that the Contract of the 22d January 1822 between the Complainant and F. M. Arredondo Junr and also the Contract of 13th July 1824 between the Complainant and F. M. Arredondo from the manner in which they are set out in the bill of Complainant and replied to by defendant are such exhibits as ought to have been annexed by the Complainant to his bill in the Superior Court for the District of East Florida and ought to have been proved as

Saturday March 3d 1838. Continued

evidence in the cause, or the non production thereof duly accounted for and secondary evidence of the contents thereof, as far as practicable, given, before the Superior Court of the Territory of Florida proceeded to render any decree in the premises; that for this defect and imperfection in the proceedings, this Court have not sufficient materials before them whereon to found any final and satisfactory decree; and that justice requires that the cause should be opened in the court below for further proofs as well in regard to the documents aforesaid, as in regard to any other evidence which may further establish the merits of the case on either side. It is therefore ordered, adjudged and decreed by this court, that the decree of the said Court of Appeals of the Territory of Florida, and also the decree of the Superior Court of the said Territory be and they are hereby reversed and annulled. And it is further ordered adjudged and decreed by this court that the cause be remanded to the said Court of Appeals with directions to allow the pleadings in the said cause to be amended by the parties, the documents aforesaid or the contents thereof to be duly authenticated and proved, and such other proceedings in the cause to be had as to justice and equity

Saturday March 3d 1838. Continued.-

shall appertain. And the said court of appeals is either to cause such further proceedings aforesaid to be had before itself, or the cause remanded to the said Superior Court for the same purposes as the one or the other course may be proper or may be required by the constitution of the said Courts and the laws and practice appertaining thereto. And it is also decreed that each party pay his own costs in this court. -

"for Mr Chs. Wayne"

Proclamation being made the Court is adjourned until monday morning at eleven oclock. -

Monday March 5th 1838.

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable Roger B Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate
James M Wayne Justices –
Philip P. Barbour
John Catron
John McKinley –

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

Mansell Garcia Plff in Er vs Samuel Lee ———	The argument of this cause was concluded by Mr Southard for the plaintiff in Error –

Monday March 5th 1838. Continued -

James White - Plff &c. to Hiram K. Turk & al	This cause was argued by Mr. Coxe for the Plaintiff. —
William Emerson's Heirs &c. to Charles K. Hall	On motion of Mr. Coxe of Counsel for the Plaintiff in Error - It is now here ordered

by the Court that this cause be and the same is hereby continued to the next term of this Court.

John Zachare & Wife — &c. to Plff in Er Henry Franklin & wife —	This cause was argued by Mr. Benton for the defendant in Error -
John P. Van Ness & al Plff in Er &c. to The Bank U. States —	The argument of this cause was commenced by Mr. Coxe for the Plaintiff in Error

Continued by Mr. Key for the defendant in Error and concluded by Mr. Coxe for the plaintiff in Error. —

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Tuesday March 6th 1838.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. McKayne	Justices —
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by M. Peters. It is ordered that William W. Haly Esquire of the State of Pennsylvania be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly —

Tuesday March 6th 1838. Continued -

Daniel F. Strother -	In Error to the District
vs. " " pff in Er	Court of the United
John B. C. Lucas -	States for the District
	of Missouri. -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Missouri and was argued by Counsel - On Consideration Whereof, It is now here adjudged and ordered by this court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs. -

"Jos. M. Hno. Baldwin" -

- Dissenting Justices Wayne & McLean -

(N. Chief Justice Taney did not sit in this cause having been of Counsel for one of the parties) -

Ex parte. In the matter of	On motion for a man-
Louisa Livingston &c. of	damus to the Judge of
Edward Livingston &c? -	the Circuit Court of
57/197 " " Appt	the United States for the
vs.	Eastern District of
Benjamin Story -	Louisiana. -

On Consideration of the motion made in this case by Mr Crittenden on a prior day of the

Tuesday March 6th 1838 Continued.

The State of Rhode Island &
Providence Plantations —
Compt
vs
The Commonwealth of Massachusetts.

Bill in Equity —
On motion of Defendant to withdraw
plea and appearance —
And on motion of
Complainant to withdraw general replication and
amend &c. —

On Consideration of the motion made by Mr Webster on Saturday the 24th Feby A.D. 1838 for leave to withdraw the plea filed on the part of the Defendant and the appearance heretofore entered for the Defendant, and also of the motion made by Mr Hazard on the same day of the present term for leave to withdraw the general replication to the defendants answer and plea in bar and to amend the original bill filed in this case, and of the arguments of Counsel thereupon had as well for the Complainant as for the defendant. It is now here considered and ordered by the Court that if the Counsel for the State of Massachusetts shall elect to withdraw the appearance heretofore entered, that leave be and the same is accordingly hereby given, and that the State of Rhode Island may proceed exparte — But that if the appearance be not withdrawn, that then as no testimony has been taken the parties be allowed to

Tuesday March 6th 1838 Continued -

withdraw or amend the pleadings under such order as the court shall hereafter make on the premises - "J. M. Lns: Thompson"

- M. Lns: Baldwin, dissenting -

/ M. Lns: Story did not sit in this cause /-

De la Fayette Wilcox &c. Pltff in Er vs. Lefee of Mary M'Connel.	On motion of Mr. Attorney General and by consent of Counsel for the

defendant in Error - It is now here ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court -

Pierre Chouteau Pltff in Er vs. Baptiste -	Mr. Butler of Counsel for the defendant in Error moved the Court

to dismiss this cause for the want of jurisdiction which was opposed in argument by Messrs Key & Benton for the Plaintiff in Error and in support of the jurisdiction of this Court -

Tuesday March 6th 1838. Continued –

Pierre Chouteau Jr & Co Plff in Er vs Marguerite — a Woman of Color	Mr Butler of Counsel for the defendant in Error moved the Court to dismiss this cause for the want of jurisdiction, which was opposed in argument by Messrs Key & Benton for the plaintiff in Error and in support of the jurisdiction of this Court. –

Pierre Chouteau Jr & Co Plff in Er vs Baptiste (a Boy of Color)	In Error to the Supreme Court within and for the third Judicial District of Missouri. –

On Consideration of the motion made in this cause by Mr Butler of Counsel for the defendant in Error to dismiss this writ of Error for the want of jurisdiction and of the arguments of Counsel thereupon had as well in support of as against the said motion. It is now here adjudged and ordered by this Court that this writ of error to the Supreme Court within and for the third Judicial District of the State of Missouri be and the same is hereby dismissed for the want of jurisdiction. – Pr. Mr. Ch. Jus. Taney

Tuesday March 6th 1838. Continued -

Pierre Chouteau. pff in Er vs Marguerite (a woman of Color)	In Error to the Supreme Court within and for the third Judicial District of the State of Missouri. —

On Consideration of the motion made in this cause by Mr Butler of Counsel for the defendant in Error to dismiss this writ of Error for the want of jurisdiction and of the arguments of counsel thereupon had as well in support of as against the said motion. It is now here adjudged and ordered by this court that this writ of Error to the Supreme Court within and for the third Judicial district of the State of Missouri be and the same is hereby dismissed for the want of jurisdiction. — "P. V. Ch: Jus: Taney"

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock —

Wednesday March 7th 1838.-

Pursuant to adjournment the Court met this morning at the Capitol.-

Present

The Honble	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices -
	Philip P. Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.-

The United States appellants vs Stephaniah Kingsley.	On appeal from the Superior Court for the Eastern District of Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the Eastern District of Florida and was argued by Counsel. On consideration whereof It is

Wednesday March 7th 1838. Continued -

the opinion of this Court that the petitioner having failed to fulfil the condition of the grant that the said grant or concession is null and void and that the petitioner has no right or title to the land, - Whereupon It is now here decreed and ordered, by this Court that the decree of the said Superior Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said Superior Court with directions to enter a decree in conformity to the opinion of this Court. -

"Js. M. Mc. McLean"

William Adams, John Cunningham, and Richard P. Laurence, Merchants in partnership, under the firm of Adams, Cunningham & Co. 84. vs Pltffs - Calvin Jones ——	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of West Tennessee. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which

Wednesday March 7th 1838. Continued.-

was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On Consideration whereof, It is the opinion of this Court that the plaintiffs were bound to give notice to the defendant, that they had accepted or acted upon the guaranty, and given credit on the faith of it." Whereupon it is now here adjudged and ordered by this Court that it be so certified to the said Circuit Court. — "Jos. M. Hus. Story"

N. Rogers & Sons. pltffs in Er
53.
James M. Batchelor et al

The argument of this Cause was commenced by Mr. Butler for the plaintiffs in Error, continued by Messrs Horban & Key for the defendants in Error and concluded by Mr. Butler for the plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday March 8th 1838.—

Pursuant to adjournment the court met this morning at the Capitol.

Present—

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Wall. It is ordered that Thomas C. James Esquire of the State of New Jersey be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday March 8th 1838. Continued.—

Charles Scott, Bailiff of William T. Moore Appellee 25. To John Floyd ———	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel— On Consideration whereof, It is now here adjudged and ordered by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

"Jr. M. Jus: McLean"

John Zacharie & Wife Appellants 34. To Henry Franklin & Wife	In Error to the District Court of the United States for the Eastern District of Louisiana.—

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel— On Consideration whereof, It is now here adjudged and ordered by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed

Thursday March 8th 1838. Continued. –

The United States appts	On appeal from the
43. vs	Superior Court of
Mary A. Mills, widow & William	East Florida. –
L. Mills, Charles F. Mills, Maria	
A. Mills, Thomas R. Mills & James	This cause came
G. Mills children & heirs of William	on to be heard on
Mills, deceased. –	the transcript of
	the record from

the Superior Court for the District of East Florida and was argued by Counsel. On Consideration whereof It is the opinion of this Court that the petitioners has not fulfilled the Conditions of the grant and that therefore the grant or concession is null and void and that the petitioners has no right or title to the Land. Whereupon it is now here decreed and ordered by this court that the decree of the said Superior Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Superior Court with directions to enter a decree in conformity to the opinion of this Court.

"Jos. M. Ins: Wayne"

Thursday March 8th 1838. Continued.

Daniel F. Strother plff in Er. vs John B. C. Lucas —	Messrs Webster and Lawlis of Counsel for the plaintiff in Error moved the Court for

leave to reargue this cause — Whereupon this Court not being now fully sufficiently advised of and concerning what order to render in the premises took time to consider

Martha Bradstreet plff in Er. vs Anson Thomas —	The argument of this cause was commenced by Mr. Mayer for the plaintiff in Error and continued

by Mr. Beardsley for the defendant in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday March 9th 1838.—

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices —
	Philip P. Barbour	
	John Catron	
	John McKinley —	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

Martha Bradstreet — pltff in Er.	The argument of this cause was
vs.	continued by Mr. Bradley for the defen-
Amos Thomas. —	dant in Error & concluded by Mr. Jones
	for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday March 10th 1838.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice -
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin - Associate
James M. Wayne Justices -
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk. -

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Butler - It is ordered that William M. Waterman Esqr. of the State of New York be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. -

Saturday March 10th 1838. Continued -

On motion of first made to the Court in this behalf by Mr Coxe It is ordered that Rice Garland Esquire of the State of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Daniel F. Strother —
16. vs Plffs in Er
John B. C. Lucas —

On consideration of the motion made in this cause by Mr Webster & Sawtelle, on a prior day of this term, to wit, on Thursday the 8th day of March A.D. 1838, for leave to re-argue this cause and of their arguments as well as the argument by Mr Benton. It is now here considered and ordered by the Court that said motion be and the same is hereby overruled. —

Andrew C. Hepburn —
33. vs Plffs in Er
Jacob Dubois Lessee of
Oliver L. Wolcott —

In Error to the District Court of the United States for the Western District of Pennsylvania. —
This cause came on to be heard on the transcript of the record from the District Court of the United States for the Western District of Pennsylvania and was argued by Counsel —

Saturday March 10th 1838. Continued

On consideration whereof. It is now here adjudged and ordered by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs. —

"Jos. M. Hns: Baldwin"

George Beasley, Farmiher of The President & Directors of the Elkton Bank of Maryland — 32 — vs — Pltff in Er. The President, Directors & Company of the Farmers Bank of Delaware. —

In Error to the Court of Appeals for the Eastern Shore of Maryland. This cause came on to be heard on the transcript of the record from the Court of Appeals for the Eastern Shore of the State of Maryland and was argued by Counsel. On consideration Whereof, It is now here adjudged and ordered by this court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs. — "Js M. Hns McKinley"

(Dissenting Justices - Story - Baldwin & McLean -) —

Saturday March 10th 1838. Continued -

Nehemiah Rogers Samuel Rogers Edmond A. Rogers & Geary F. Rogers trading under the name style of N. Rogers & Sons — 52 — In Error &c. James M. Batchelor, Francis Wm. Victoria C. Brockholt, administratrix of Abel V. Brockholt.

In Error to the District Court of the United States for the District of Mississippi —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of Mississippi and was argued by Counsel.

On Consideration whereof. It is now here adjudged and ordered by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

"Jr. M. Chs. Story"

Ex parte: In the matter of Charles F. Tibbals. Appellt

vs

The United States —

103 F. 1836

On motion to reform the mandate issued in this case so as to conform the same to the opinion of this Court rendered in this cause at January Term A. D. 1836, or to issue a mandate to the Surveyor General of the District of East Florida to do those acts and things which he

Saturday March 10th 1838. Continued

is commanded to do by the said judgment of this court and which are enjoined on him by law. ~

On consideration of the motion made in this cause by Mr Clarke of Counsel for the appellant, on a prior day of the present term of this court, to wit, on Saturday the 10th day of February A.D. 1838, and of the arguments of counsel thereupon had. It is now here considered, ordered and adjudged by this court that the clerk of this court make out a certificate of the final decree heretofore rendered in the case of the United States vs Gibbald, and also a mandate according to such final decree, the opinion of the court in that case, and on this motion -

"H. M. Hus: Baldwin"

John F. Stein - Pltff in Er 52. vs William Bowman et al	This cause was submitted to the consideration of the Court on the record and argument by Mr Critenden of Counsel for the plaintiff in Error and by Mr Garland in behalf of the defendants in Error.

Saturday March 10th 1838. Continued -

Ex parte. In the matter of Robert H. Spencer & ux & al vs Cobpltts Andrew Crenshaw -

On motion for a Mandamus to the Judge of the District Court of the United States for the Southern District of Alabama - Mr. Key of counsel for the Complainants now here moved the Court for a Mandamus to the Judge of the United States for the Southern District of Alabama commanding him to allow an appeal to this Court in the above entitled cause - Whereupon this Court not being now here sufficiently advised of and concerning what judgment and order to render in the premises took time to consider - And it is now here ordered by the Court that this motion be held under advisement to the next term. -

The State of Rhode Island - vs Cobpltt The Commonwealth of Massachusetts -

Mr Pinkard of Counsel for the Complainant now here renewed the motion of Complainants Counsel of Saturday the 24th of February A. D. 1838 for leave to amend - Whereupon it is now here considered and ordered

Saturday March 10th 1838 Continued.

by the court that leave be and the same is hereby granted the Complainant to amend as prayed for, provided he file his amendments with the clerk of this court by the first monday of August next ensuing this sale. —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday March 12th 1838.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present.

The Honorable Roger B. Taney Chief Justice
Smith Thompson
Henry Baldwin
The Hon'ble James M. Wayne Associate Justices.
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened—

On motion just made to the Court in this behalf by M. Butler. It is ordered that Robert Van Rensellaer, Philip Hamilton and Mark A. Tibby Esquires of the State of New York were admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

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Monday March 12th 1838. Continued

James White - pltff
31 vs
Hiram K. Yurk, James Vaughn & William Grant.

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of East Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of East Tennessee and was argued by counsel - On consideration whereof, It is the opinion of this court that the whole case has been certified to this court, and as it has been repeatedly decided by this court, that the whole case cannot be adjourned on a division of the Judges, the court cannot decide this case in its present form - Whereupon it is now here ordered and adjudged by this court that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice, this court not having jurisdiction over the case as stated. -

"Jos. M. Hns. McKinley"

(W. Hns. Baldwin dissenting)

Monday March 12th 1838. Continued

James Galloway Jr.
vs
Henry H. Finley & David Barr. —

On appeal from the Circuit Court of the United States for the Western District of Pennsylvania—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Pennsylvania and was argued by Counsel— On consideration whereof, It is now here decreed and ordered by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

"P. V. Hns: Catron"

Martha Bradstreet Widow &c
vs
Anson Thomas —

In Error to the District Court of the United States for the Northern District of New York.— This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York and was argued by Counsel— On consideration whereof

Monday March 12th 1838 Continued

It is now here adjudged and ordered by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein as to law and justice shall appertain and in conformity to the opinion of this Court.

"P. V. Ins: Wayne"

(Wm Jo Bolaun & Jenkins)

Amos Kendall, Postmaster General of the United States. Plff in Er

vs

The United States on the relation of William B. Stokes, Richard C. Stockton Lucius W. Stockton & Daniel Mone.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel.

On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit in this cause be and the same is hereby affirmed with cost.

"P. V. Ins: Thompson"

Monday March 12th 1838 Continued -

Amos Kendall Postmaster General of the United States - pffs in Er 37 ... vs The United States on the relation of William B. Stokes Richard C. Stockton Lucius Stockton & Samuel Morse.	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. - "P. V. Mr. Thompson" (Mr. Ch. Jus. Taney & Justices Barbour & Catron dissenting) -

Manuel Garcia - pffs in Er 30 ... vs Samuel Lee ...	In Error to the District Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel - On

Monday March 12th 1838. Continued

On Consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with cost. –

"Jos. M. Ch. Jus. Taney"

– "W. Jus. Baldwin dissenting" –

John P. Van Ness pltff in Er 46 vs Bank United States–	It is now here ordered by the Court that this cause be and the same is hereby held under advisement to the next term of this Court. –

John T. Stein. pltff in Er 52. vs William Bowman Deft	It is now here ordered by the Court that this cause be and the same is hereby held under advisement to the next term of this Court. –

William McClenoyle. pltff 88 vs Levy Flannel's admrs.	It is now here ordered by the Court that this cause be and the same is hereby held under advisement to the next term of this Court. –

Monday March 12th 1838. Continued

Daniel F. Frother-Pff in Er vs John B. C. Lucas –	Mr Lawless of counsel for the plaintiff in Error now here moved the Court for leave

to withdraw from the files of this Court the following papers filed in this case, viz. –

1. An original deed from Marie M. Robillard to Louis Chancelier (Spanish). –
2. An original deed from John B. Lamache to Louis Chancelier (Spanish) –
3. A certified copy from the record at St Louis shewing the power of the Syndic of that Town under the Spanish Government. –

On Consideration whereof, It is now here ordered by the Court that leave be and the same is hereby granted as prayed for. –

(Whereupon the Clerk of the Court delivered to Mr Lawless the three papers above described in pursuance of the above order).

Rule No 44.

In all cases where any suit shall be dismissed in this Court, except where the dismissal shall be for want of jurisdiction, costs shall be

Monday March 12th 1838. Continued.—

allowed to the defendant in Error or appellee, as the case may be, unless otherwise agreed by the parties. —

In all cases of affirmances of any judgment or decree in this Court costs shall be allowed to the defendant in Error or appellee, as the case may be unless otherwise ordered by the Court. —

In all cases of reversals of any judgment or decree in the Court, except where the reversal shall be for want of jurisdiction, costs shall be allowed in this Court for the plaintiff in Error or appellee as the case may be, unless otherwise ordered by the Court. —

Neither of the foregoing rules shall apply to cases where the United States are a party, but in such cases no costs shall be allowed in this Court for or against the United States. —

In all cases of the dismissal of any suit in this Court it shall be the duty of the Clerk to issue a mandate or other proper process in the nature of a procedendo to the Court below for the purpose of informing such Court of the proceedings in this Court, so that further proceedings may be had in such Court as to law and justice may appertain. —

When costs are allowed in this Court, it shall be the duty of the Clerk to insert the amount

Monday March 12th 1838 Continued -

thereof in the body of the mandate or other proper process sent to the court below and annex to the same the bill of items taxed in detail. —

Rule No. 45.

All motions hereafter made to the Court shall be reduced to writing, and shall contain a brief statement of the facts and objects of the motion. —

Rule No. 46.

The court will at every future session announce on what day it will adjourn, at least ten days before the time which shall be fixed upon, and the court will take up no case for argument nor receive any case upon printed briefs, within three days next before the day fixed upon for adjournment. -

August Term 1838.

At a Supreme Court of the United States begun and held at the Capitol of the United States in the City of Washington being the present Seat of the National Government of the United States, on the First Monday of August (being the Sixth day of the same month) in the year of our Lord one thousand eight hundred and thirty eight, and of the Independence of the United States the sixty third, agreeably to the act of Congress in such case made and provided. The Hon'ble Roger B. Taney Chief Justice of the Supreme Court of the United States and resident of the Fourth Circuit in the State of Maryland was present and the Clerk of said Supreme Court attending. It is ordered by the said Chief Justice that the following entries be made, to wit. —

Ex parte. In the matter of Duncan N. Kenner on petition for a mandamus to the Hon'ble Philip K. Lawrence &c.	On petition for a mandamus to the Honorable Philip K. Lawrence Judge of the District Court

of the United States for the Eastern District of Louisiana requiring the said Judge to restore

August Term 1838.

Duncan N. Kennon to the office of Clerk of said District Court.

Mr Coxe of Counsel for the petitioner having filed and read in open Court the following petition, towit:-

"To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States - The petition of Duncan N. Kennon respectfully sheweth, -

That your petitioner was on the twenty first day of February in the year of our Lord one thousand eight hundred and thirty four duly appointed Clerk of the District Court of the United States in and for the Eastern District of Louisiana by the Hon. Samuel H. Harper Judge of the said District Court. - That a Commission was given to your petitioner by the said District Judge in the words and figures following, towit: -

United States of America. -
Eastern District of Louisiana }

By virtue of authority in me vested I do hereby appoint Duncan N. Kennon of said State Clerk of the District Court of the United States in and for the Eastern District of the the State of Louisiana. -

In Witness Whereof I have hereunto set my hand and seal at the City of New Orleans this 21st day of February A. D. 1834.—

(Seal) (Sig.d) Jam.s H. Harper. Judge &c.

That your petitioner accepted said appointment and commission presented the said Commission to the District Court and it was duly recorded on the minutes of the said District Court on the same 21st day of February 1834 as by reference to the said original Commission now in the hands of your petitioner and ready to be produced when & where your Honors may meet & appoint.

And your petitioner further shews unto your Honors that in conformity with the provisions of the Statute in such case made and provided he took the oath of office and gave a bond with sureties which bond was approved by the said Judge Harper, and the said bond was duly filed, and the facts of producing the Commission, taking the oath of office and giving the said bond conditioned for the faithful performance of the duties of said office were all duly entered on the minutes of said Court on the same 21st day of February 1834.—

And your petitioner further shews unto

38.32.

August Term 1838.

your Honor that he entered upon the duties of the said office of Clerk of the said District Court for the Eastern District of Louisiana and held the same and continued to perform the duties thereunto appertaining "methodically, promptly skilfully and uprightly" to the satisfaction of the said District Court and of the parties suitors in the said Court. That by virtue of said appointment and of the provisions of the Statute in such case made and provided your petitioner was also from the period of the organization of the Circuit Court of the United States for the said District of Louisiana in like manner the Clerk of the said Circuit Court and performed all the duties appertaining to said office and during the periods aforesaid your petitioner in like manner received the fees and emoluments of office belonging to the same. And your petitioner further shews unto your Honor, that he so continued to perform the said duties and to receive the said emoluments and in all respects to hold and occupy said offices until on or about the 18th day of May in the year 1838, when he received a communication from the Hon. Philip K. Lawrence then and now the Judge of the said District Court of the United

States for the said Eastern District of Louisiana
in the words and figures following, viz:

New Orleans May 18th 1838

Dear Sir - The object of this communication
is to apprise you of your removal from the
office of Clerk of the United States District
Court of the Eastern District of Louisiana
and of the appointment of Mr Thos Winthrop
in your place - In taking this step I
desire to be understood as neither prompted
by any unfriendly disposition towards you
personally, nor wishing to cast the slightest
shade of censure on your official conduct -
On the contrary whether it will afford you
any gratification to be thus assured or not
I avail myself of the occasion to declare to you
that my most ardent wishes respecting you are
for your entire success and prosperity in life:
I consider it due to myself to have made this
declaration and a sense of justice to you demands
that I should do what lies in my power to
repel any unfavorable inference that might be
drawn from your dismissal from the office of
Clerk, in regard to the manner in which the duties
of the office have been discharged by you -

August Term 1838.

On this subject the situation in which I have been placed during the last two years and upwards has afforded me the means of speaking advisedly and I am happy in being able to testify, as I now do unreservedly that the business of your office during that period has been conducted methodically, promptly skilfully and uprightly.— In appointing Mr W. to succeed you I have been purely actuated by a sense of duty and feelings of kindness towards one whom I have long known and between whom and myself the closest friendship has ever subsisted. I cannot but consider his claims to any benefit in my power to confer as of a paramount character, and as his capacity to fill the office in question cannot be disputed I feel that I am not exercising any unjust preference in bestowing on him the appointment.—

I am Sir, very Respectfully &c &c.

(sig'd) P. K. Laurence.
U.S. Judge Dist of Pa —

To. Hon. N. Kennedy Esqr.

And your petitioner further shews unto your honors that he has heard and verily believes that the said Judge Laurence did on or about the same 18th day of May 1838 execute &

deliver to the said John Winthrop a paper purporting to be a commission or appointment as clerk of said District Court of the United States for the Eastern District of Louisiana and that said Winthrop under and by virtue of the same claims to be entitled to hold said office and does in fact exercise to a certain extent the duties appertaining thereunto; and that he is recognised by said Judge Laurence as the only legal Clerk of the said District Court, and as such signs writs, Process and receives the Fees and emoluments of said office; that he has by the direction and authority of the said Philip K. Laurence Judge as aforesaid obtained and holds possession of the Records and minutes of the said District Court and assumes to be the Clerk of said Court and performs the duties of said office, and that said Winthrop and the said Judge exclude and keep out your petitioner from said office of Clerk and from performing the duties thereof and from receiving the Fees and emoluments thereunto belonging.

And your petitioner further shews unto your Honors that on or about the 21st day of May 1838 the Circuit Court of the United States for the

August Term 1838

Eastern District of Louisiana met according to law when the Hons John McKinley one of the Associate Justices of the Supreme Court of the United States and the said Judge Laurence took their seats upon the Bench as Judges of the said Circuit Court; and your petitioner and said John Winthrop severally presented themselves, each claiming to be rightfully and lawfully the Clerk of said Circuit Court, and the said matter was argued by counsel for each of said claimants. The said Judges however differed in opinion upon the said question of right, and being unable to concur in opinion, neither of said parties was admitted to act as Clerk or recognised by the Court as being the rightful Clerk and no business was or could be transacted and the Court adjourned.—

And your petitioner represents to your Honors that he is advised and verily believes that he was legally and in due form appointed the Clerk of said District Court and by virtue of said appointment became lawfully the Clerk of the said Circuit Court; and that he has never resigned the said offices or been legally removed from the same or either of them but that he is rightfully

entitled to hold and exercise the same and to receive the fees and emoluments to the same belonging: and that he is illegally kept out of the said office of Clerk of the said District Court and prevented from performing the duties thereof and from receiving the fees and emoluments attached to the same by the illegal acts and conduct of the said Philip K. Lawrence Judge as aforesaid and of the said John Winthrop claiming to hold the said office by some pretended but as your petitioner is advised and believes illegal and void appointment or commission from said Judge Lawrence.

And your petitioner further shews that the said Judges of the said Circuit Court continue to differ in opinion as to the legal rights of your petitioner and said John Winthrop to said offices, so that no one does or can perform the duties of said office of Clerk of the Circuit Court aforesaid, and that the suitors in said Court are thereby delayed and the administration of justice therein wholly suspended and the appellate jurisdiction of the Supreme Court of the United States over the judgments and decrees of said Circuit Court

wholly suspended and incapable of being exercised. — All which evils are remediable at and by any ordinary proceeding before the said District or Circuit Court and can only be terminated and redressed by the interposition of this Honorable Court by its extraordinary process of Mandamus. — Wherefore your petitioner respectfully prays that your Honors the premises considered will award the United States writ of Mandamus to be directed to the Hon.r Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana commanding him that he forthwith restore your petitioner to his office of Clerk of said District Court of the United States for the Eastern District of Louisiana. —

Rich.d L. Coxe for petitioner.

Duncan N. Hennen the petitioner being duly sworn deposeth and saith that the facts in the foregoing petition detailed are true: and the foregoing copies of the Commission to said Hennen as Clerk of said District Court of the United States for the Eastern District of Louisiana, and of the letter from the Hon.r P. K. Laurence to said Hennen of date 18.th May 1838 are true

August Term 1838.-

copies of the originals -

Duncan N. Hennen -

Sworn to in open court this 6th August A.D. 1838 -

W.m Tho.s Carroll. C.S.C.U.S.-

Now here moved the court to award the United States writ of Mandamus to be directed to the Honorable Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana commanding him that he forthwith restore the petitioner Duncan N. Hennen to the office of Clerk of said District Court of the United States for the Eastern District of Louisiana or for a rule on the said Philip K. Laurence Judge as aforesaid to show cause why a Mandamus should not be awarded commanding him as aforesaid, Whereupon the premises being duly considered by the Court, It is now here considered ordered and adjudged by this court that a rule on the said Philip K. Laurence Judge as aforesaid be and the same is hereby awarded requiring him to show cause before this court on the second Saturday of the next January term of this court, being the 26th day of January A.D. 1839, why a Mandamus should not be awarded to the said District

August Term 1838.

Judge as prayed for in the foregoing petition with leave to any party interested in the premises to move for a discharge thereof on or before the said return day - Provided that copies of this rule be served on the said District Judge and John Winthrop Esqr. of New Orleans respectively on or before the 1st day of November next. -

Ex parte In the matter of Duncan N. Kennen, on petition for a Mandamus to the Court & John McKinley and Philip K. Laurence vs -

On petition for a mandamus to the Honorable John McKinley and Philip K. Laurence Judges of the Circuit Court of the United States for the Eastern District of Louisiana requiring the said Judges to restore Duncan N. Kennen to the office of Clerk of said Circuit Court. -

Mr Love of Counsel for the petitioner having filed and read in open court the following petition to wit: -

"To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States.

The petition of Duncan N. Kennen respectfully sheweth, - That your petitioner was on

the twenty first day of February in the year of our Lord one thousand eight hundred and thirty four duly appointed Clerk of the District Court of the United States in and for the Eastern District of Louisiana by the Hon. Samuel H. Harper Judge of the said District Court.-

That a commission was given to your petitioner by the said District Judge in the words and figures following: to wit-

United States of America
Eastern District of Louisiana } ss

By virtue of authority in me vested I do hereby appoint Duncan N. Kenner of said State Clerk of the District Court of the United States in and for the Eastern District of the State of Louisiana -

In Witness whereof, I have hereunto set my hand and seal at the City of New Orleans this 21st day of February A.D. 1834.-

(Sig.d) Sam.l H. Harper, Judge U. S.

That your petitioner accepted the said appointment and commission, presented the said Commission to the District Court and it was duly recorded on the minutes of the said District Court on the same 21st day of February 1834 as by

reference to the said original Commission now in the hands of your petitioner and ready to be produced when & where your Honors may direct and appoint -

And your petitioner further shews unto your Honors that in conformity with the provisions of the Statute in such cases made and provided he took the oath of office and gave a Bond with sureties which bond was approved by the said Judge Harper and the said bond was duly filed, and the facts of producing the Commission, taking the oath of office and giving the said bond conditioned for the faithful performance of the duties of said office were all duly entered on the minutes of said Court on the same 21st day of February 1834 -

And your petitioner further shews unto Your Honors that he entered upon the duties of the said office of Clerk of the said District Court for the Eastern District of Louisiana and held the same and continued to perform the duties thereunto appertaining methodically, promptly, skilfully and uprightly to the satisfaction of the said District Court and of the parties suitors in the said Court - That by virtue of said appointment

August Term 1838–

and of the provisions of the Statute in such case made and provided your petitioner was also from the period of the organization of the Circuit Court of the United States for the said District of Louisiana in like manner the Clerk of the said Circuit Court and performed all the duties appertaining to said office and during the periods aforesaid your petitioner in like manner received the fees and emoluments of office belonging to the same –

And your petitioner further shews unto your Honors, that he so continued to perform the said duties and to receive the said emoluments and in all respects to hold and occupy said offices until on or about the 18th day of May in the year 1838, when he received a communication from the Hon.ble Philip K. Laurence then and now the Judge of the said District Court of the United States for the said Eastern District of Louisiana, in the words and figures following: to wit –

New Orleans May 18th 1838

Dear Sir, – The object of this communication is to advise you of your removal from the

August Term 1838.

office of Clerk of the United States District Court of the Eastern District of Louisiana and of the appointment of Mr. John Winthrop in your place. — In taking this step I desire it be understood as neither prompted by any unfriendly disposition towards you personally nor wishing to cast the slightest shade of censure on your official conduct. On the contrary whether it will afford you any gratification to be thus apprised or not, I avail myself of the occasion to declare to you that my most ardent wishes respecting you are for your entire success and prosperity in life. I consider it due to myself to have made this declaration and a sense of justice to you demands, that I should do what lies in my power to repel any unfavorable inference that might be drawn from your dismissal from the office of Clerk, in regard to the manner in which the duties of the office have been discharged by you. On this subject the situation in which I have been placed during the last two years and upwards has afforded me the means of speaking advisedly and I am happy in being able to testify as I now do unreservedly that the business of your office

during that period has been conducted methodically, promptly, skilfully and uprightly.

In appointing Mr. W. to succeed you I have been purely actuated by a sense of duty towards one whom I have long known and between whom and myself the closest friendship has ever subsisted. I cannot but consider his claims to any benefit in my power to confer as of a paramount character: and as his capacity to fill the office in question cannot be disputed I feel that I am not exercising any unjust preference in bestowing on him the appointment. —

I am &c. very Respectfully &c &c

(sig^d) P. K. Laurence

U. S. Judge Dist of La

To D. N. Kenner Esq^r

And your petitioner further shews unto your Honor that he has heard and verily believes that the said Judge Laurence did on or about the same 18^th day of May 1838 execute and deliver to the said John W. Winthrop a paper purporting to be a commission or appointment as Clerk of said District Court of the United States for the Eastern District of Louisiana;

and that said Winthrop under and by virtue of the same claims to be entitled to hold, exercise and perform the duties of the office of Clerk of the said Eastern District of Louisiana.

And Your Petitioner further shews unto Your Honors, that the said John Winthrop did at a Session of the said Circuit Court of the United States for the said Eastern District of Louisiana held at New Orleans on or about the 21st day of May in the year 1838, present the Hon. John McKinley one of the Associate Justices of the Supreme Court of the United States, and the said Philip K. Laurence District Judge as aforesaid appear before the said Circuit Court and exhibit his said pretended Commission or appointment as aforesaid and did claim to be the sole, rightful and lawful Clerk of the said Circuit Court; and Your petitioner did then and there exhibit and set forth to the said Circuit Court his commission and appointment as aforesaid, and the evidence that he had accepted the same and had given bond with approved security as aforesaid, and had performed the duties of said office of Clerk of said District Court from the date of said appointment, and did claim that he was the only rightful and lawful Clerk of said

Circuit Court, and did claim to hold and exercise the said office, and the said Judges being divided in opinion upon said question of the right of the Claimants, your petitioner was excluded and kept out and is still excluded and kept out of said office of Clerk of said Circuit Court to which he is thus by law entitled, and prevented from performing and exercising the duties and receiving the emoluments thereof - and the said Judges disagreeing as aforesaid the said Court was without any Clerk and unable to perform any business, and did accordingly adjourn to the term in course.

And your petitioner shews that while he is thus excluded and there is no Clerk recognised as entitled to the office the said Circuit Court cannot proceed to perform any duties, to give any judgments or decrees in any cause therein pending - so that the whole business of said Court is suspended and the appellate jurisdiction of the Supreme Court remains suspended and incapable of exercise - All which evils are remediless at and by any ordinary proceedings before the said Circuit Court and can only be redressed by the interposition of this Honorable Court by

August Term 1838.

its extraordinary process of Mandamus. —

Wherefore your petitioner prays that your Honor the premises considered will award the United States writ of Mandamus to be directed to the Hon. John McKinley and Philip K. Laurence Judges of the said Circuit Court of the U. States for the Eastern District of Louisiana commanding them that they forthwith restore your petitioner to his office of said Circuit Court of the United States for the Eastern District of Louisiana. —

Coxe, for petitioner"

Duncan N. Kennen the petitioner being duly sworn deposeth and saith that the facts in the foregoing petition detailed are true and the foregoing copies of the Commission to said Kennen as Clerk of said District Court of the United States for the Eastern District of Louisiana and of the letter from the Hon. P. K. Laurence Judge aforesaid to said Kennen of date the 18th May 1838 are true copies from the originals. —

Duncan N. Kennen.

Sworn to in open Court this 6th August 1838 —

Wm. Th. Carroll C. C. C. C."

now here moved the court to award the United

August Term 1838.

Honorable John McKinley and Philip K. Laurence Judges of the Circuit Court of the United States for the Eastern District of Louisiana commanding them that they forthwith restore the petitioner Duncan N. Kennen to the office of Clerk of said Circuit Court of the United States for the Eastern District of Louisiana or for a rule on the said John McKinley and Philip K. Laurence Judges as aforesaid to show cause why a mandamus should not be awarded commanding them as aforesaid, Whereupon the premises being considered by the Court, It is now here considered, ordered and adjudged by this Court that a rule on the said John McKinley and Philip K. Laurence Judges as aforesaid be and the same is hereby awarded requiring them to show cause by a mandamus the second Saturday of the next January Term of this Court (being the 26th day of January A.D. 1839) why a Mandamus should not be awarded to the said Judges of the said Circuit Court aforesaid as prayed for in the foregoing petition with leave to any party interested in the premises to move for a discharge thereof at or before the said return day — Provided that copies of this rule be served on the said Judges and

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		John Winthrop Esquire of New Orleans respectively on or before the first day of November next.	
Swann Taylor Coye 1 Jones - Lee.	1834 Sept 25.	Thomas Hammond's adm'r - Appt " George Washington's Exors	Alexandria - C. C. U. S. 1838 Aug: ordered to be continued
Coye - Key - 2.	1832 Dec 4.	Lepee of John Holker'sd - pff William Lemon d'd	Kentucky - C. C. U. S. 1838 Aug: Ord.d to be continued.
Sergeant - Fuller - Jones - 3. Webster	1834 July 1.	Lepee of Margaret Talmie d'd. pff in Er - William Pollet -	North Carolina - C. C. U. S. 1838 Aug: ord.d to be continued.
Sergeant - 4.	1835 Jan 5.	Joseph Lynch - pff in Er Ambrose Carnage -	Georgia - Sup. Ct. Cap County - 1838 Aug: Ord.d to be continued
Sergeant - 5.	1835 Jan. 5.	Johnson Pope pff in Er The State of Georgia.	Georgia - Sup. Ct. Cap County -

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...ignant ...ster. 6. ...ibster ...dger	1836 Jan. 5	Pepe of Margaret Palmer David Underwood	North Carolina. C.C.U.S. 1838 Aug: ord.d to be continued.
...nton 7. ...ore	1836 Aug. 5	John Wilcox Val ...ff's a & Thomas Hunt Val.	E. Louisiana. S.C.U.S. 1838 Aug: ord.d to be continued
8. ...the Gov.t.	1837 Jan. 18	Nathaniel Williams Val ...ff's a &. The United States.	Maryland. C.C.U.S. 1838 Aug: ord.d to be continued
...ibster 9.	1837 Jan. 24	New England Marine Ins.ce Co ...ff's The Brig Sarah Ann	Massachusetts. C.C.U.S 1838 Aug: ord.d to be continued
...enwood 10.	1837 Feb. 13	Pauline Whiting Val. - Aff'lt Bank United States.	Kentucky C.C.U.S. 1838 Aug: ord.d to be continued
...ge 11	1837 Dec. 13	William Emmanuel ...ff's a & Charles H. Hall	Louisiana. Supt Ct 1838 Aug: ord.d to be continued

August Term 1838.—

Johnson - 12 - Atto: Genl	1837 Dec. 8	Jonathan Meredith ad - pffs in Er The united States	Maryland. L. C. U. S. 1838 Aug: Ord? to be continued
Coxe - 13. Key -	Dec. 26.	John P. Wardrop Val pffs in Er Bank United States -	Washington. C. C. U. S. 1838 Aug: Ord? to be continued
Atto: Genl - 14.	Dec 27	Dc La Fayette Wilcox - pffs in Er (m.s.) - - Murray McConnell Lefevre	Illinois - Sup: Court - 1838 Aug: Ord? to be continued
Guillemden 15.	1838 Jan. 5	John F. Stein pffs in Er William Bowman Val -	E. Louisiana. L.C. U.S. 1838 Aug: Ord? to be continued
Robinson 16. Nicholas	Jan. 8	William Ross Val - pffs in Er James L. Duval Val	E. Virginia. L.C. U.S. 1838 Aug: Ord? to be continued
17.	Jan. 10	William G. Cook - pffs in Er John L. Moffat Val —	Maryland. L.C. U.S. 1838 Aug: Ord? to be continued

August Term 1838.

Supe	1838 Jan. 10	Clement Woodward pffin	Washington. 6 6 w 1.
18.			1838 Aug: ord.d 6 be continued
Bull & Brent		James Brown deft	
	" Jan. 22	William K. Smith - Appt	New York 6 6 w 1.
19.			1838 Aug: ord.d 6 be continued
		Guy Richards -	
Singhast		Nathan Carr Sol - Appt	R Island. 6 6 w 1
20.			1838 Aug: ord.d 6 be continued
		Joseph Hoxsie -	
Key.	" Jan. 31	William Wallace. pffin &	Alabama. 2 6 w 1.
21.			1838 Aug: ord.d 6 be continued
		Corry McConnell	
	" Feb. 5	Lessee of Charles Scott et al. pffin &	Ill. Tennessee 6 6 w 1.
22.			1838 Aug: ord.d 6 be continued
		Thomas Reid jr. Sol	
Upshaw		William McClenagle pff	Georgia. 6 6 w 1
23.			1838 Aug: ord.d 6 be continued
King		Levy Florence's admr	

August Term 1838.

Cox 24.	1838 Mar 3	Bank United States. Appt Elizabeth Lee Val.	Washington. C. C. U. S. 1838 Aug. ord. to be continued
Alls Fin. 23	Apl 20	The United States. Appt Moses E. Levy	E. Florida. Supr Ct 1838 Aug. ord. to be continued
Alls Fin. 26.	Apl 20	The United States. Appt Heirs of F. M. Arredonds.	E. Florida. Supr Ct 1838 Aug. ord. to be continued
Alls. Fin. 27.	Apl 20	The United States. Appt Andrew Bourgeni	E. Florida. Supr Ct 1838 Aug. ord. to be continued
Alls. Fin. 28.	Apl 20	The United States. Appt Heirs of F. M. Arredonds Val	E. Florida. Supr Ct 1838 Aug. ord. to be continued
Alls. Fin. 29.	Apl 20	The united States. Appt William Drummond	E. Florida. Supr Ct 1838 Aug. ord. to be continued.

August Term 1838-

	1838 Aug 4	Lessee of Samuel Rice & Jesse Rice	Ohio	Sup. Ct.
30				1838 Aug. 2d. to be continued
		William March		

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January Term 1839.

At the Capitol of the United States in the City of Washington and District of Columbia being the present Seat of the National Government of the United States, on the Second Monday of January (being the Fourteenth day of the same month) in the year of our Lord one thousand eight hundred and thirty nine, and of the Independence of the United States the Sixty third, the Supreme Court of the United States met agreeably to adjournment.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon.ble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P Barbour	
	John Catron	

Alexander Hunter Esqr. Marshal

William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Monday 14th January 1839. Continued.

On motion first made to the Court in behalf of Mr Grundy. It is ordered that H. H. Leuk Esquire of the State of Maryland be admitted & practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

The Chief Justice announced to the Bar that the Court would tomorrow commence the call of the docket under the 36th rule.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday January 15th 1839.

Pursuant to adjournment the court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqre Marshal.

William Thomas Carroll Clerk.

Proclamation being made the court is opened.

Thomas Hammond Plaintiff in Error	The cause having been
vs	called for argument and
George Washington Exrs.	no counsel appearing.

It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Tuesday January 15th 1839. Continued

Lessee of John Mather &c 2. vs pff. William Lemon &al	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court.

Lessee of Margaret Talmer &al 3. vs Pff in Er William Polet.	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court.

Joseph Lynch. Pff in Er. 4. vs Ambrose Carnagy	On motion of Mr Sergeant of counsel for the Plaintiff in Error. It is now here ordered by the court that this cause be and and the same is hereby postponed to the foot of the docket under the 30th rule of this court.

Johnson Pope. Pff in Er 5. vs The State of Georgia	On motion of Mr Sergeant of counsel for the Plaintiff in Error. It is now here ordered by the court that this cause be and

Tuesday January 15th 1839 Continued

the same is hereby postponed to the foot of the docket under the 30th rule of this court. —

Bank of Georgia at Savannah vs. Bliss & Lord Underwood.	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court. —

John Wilcox &c. pltffs in Er. vs. Thomas Hunt &c.	On motion of Mr Bouton of counsel for the plaintiff in Error. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court.

Nathaniel Williams &c. vs. The United States.	On motion of W. Murray Esq. of Counsel for the defendant in Error. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court. —

Tuesday January 15th 1839 Continued.

New England Marine Insurance Comp'y Appl'ts v. The Brig Sarah Ann.	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.
Paulina Whiting & al. Appl'ts v. Bank United States.	The argument of this cause was commenced by Mr Underwood for the appellants, continued by Mr Sergeant for the appellee and concluded by Mr Underwood for the appellants.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Wednesday January 15th 1839

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Fogaut It is ordered that Patrick G Goode Esquire of Ohio and William Keese Esquire of Indiana be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Wednesday January 16 1839 Continued

On motion first made to the court in this behalf by Mr Patton. It is ordered that Conway Robinson and Robert C. Nicholas Esquires of the Bar of Augusta be admitted to practice as Attorneys and Counsellors of this court and they were severally sworn accordingly.

William Emerson Exrs Pl. vs Pffs Charles H. Hull	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Jonathan Haworth Adm. Pl. vs Pffs The United States	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Dr. D. Tyrell Wilcox &c. Pl. vs Eliza of Murray McConnel	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket

Wednesday January 16- 1839. Continued

John F. Steen pffn in E. vs William Bowman def	This cause was submitted to the consideration of the Court on the record and printed argument by Mr Cullen on behalf of the plaintiff in Error and by Mr Garland (of Louisiana) on behalf of the defendant in Error. -

William Robinson pffs in E. vs James P. Duval def	The argument of this cause was commenced by Mr Robinson for the plaintiffs in Error, continued by Mr Nicholas for the defendants in Error and concluded by Mr Robinson for the plaintiffs in Error -

William G. Cook pffs in E. vs John D. Moffat def	This cause having been called for argument and no counsel appearing it is now here ordered by the Court that this cause be and the same is hereby dismissed to the cost of the docket under the 33d rule of this Court. -

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Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock.

Thursday January 17th 1839.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened

On Motion first made to the Court in this behalf by Mr Key. It is ordered that James A. Dickens Esq. of the District of Columbia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Thursday January 17th 1839. Continued.

On motion first made to the Court in this behalf by Mr Crittenden. It is ordered that S. B. Burton Esqre of the State of Virginia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly —

On motion first made to the Court in this behalf by Mr. Patton — It is ordered that Thomas H. Botts Esqre of the State of Virginia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly. —

Clement Woodward pltff in Er.
vs.
James Brown & Wife —

Mr Brent of counsel for the defendant in Error having filed and read in open Court the following certificate of the Clerk of the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington in the words and figures following to wit.

"District of Columbia, Washington County, to wit.
I William Brent Clerk of the Circuit Court of the District of Columbia for the County of Washington, hereby certify that in the transcript of the record in the case of Clement Woodward plaintiff

Thursday January 17th 1839. Continued

"in Error of James Brown and Sarah Sane his wife
"Plff in Error and the Supreme Court of the United
"States by an inadvertance of the Clerk, it is stated that
"the judgment was reversed in the said Court on the verdict of
"the jury for "an undivided moiety of the lot in the
"declaration mentioned" instead of the "Eastern half" of
"the said lot, which was recovered in the said case and
"that said transcript is in that particular variant
"from the original record on file in my office. —

In Testimony Whereof I have hereunto
Subscribed my name and affixed the
Seal of the said Court at the City of
Washington, this 15th day of January A.D. 1839.

"W.m Brent Clk"

now here moved the Court for leave to amend the record filed in said case by making the judgment read for the "Eastern half" instead of for "an undivided moiety of the lot in the declaration mentioned," which was opposed by Mr Coxe of Counsel for the plaintiff in Error, and it sufficiently appearing by an inspection of the record that the variance of the judgment from the declaration and verdict is a mere clerical error, and that it such it may be amended here, without returning the record to the Circuit Court. It is therefore ordered by the Court that the record be amended so as to make

Thursday January 17th 1839 Continued.

the judgment conformable to the verdict. That is to say Strike out the words "one undivided moiety" in the judgment as entered by the clerk and insert in lieu thereof the words "the eastern half." —

Pr. Dn. Ch. Ch. Taney. —

Clement Woodward Jr. Appellt vs. James Brown & Wife.	The argument of this cause was commenced by Mr. Coxe for the Plaintiff in Error, continued by Mr. R. J. Brent for the defendants in Error and concluded by Mr Coxe for the Plaintiff in Error. —
William R. Smith. Appellt vs. Guy Richards. —	The argument of this cause was commenced by Mr. Pellon for the appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Friday January 18th 1839.

Pursuant to Adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice.

	Joseph Story	
	Smith Thompson	
	Hen McLean	Associate
The Worthy	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron.	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On Motion first made to the Court in this behalf by Mr Webster. It is ordered that Richard S. Warren Esquire of the Bar of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday January 18th 1839 Continued.

William R. Smith appt vs Guy Richards —.	The argument of the cause was continued by Mr Fuller for the appellant —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Saturday January 19th 1839.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On Motion first made to the Court in this behalf by Mr Ogden. It is ordered that William Talmage Esquire of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Saturday January 14th 1837 Continued.

On motion first made to the Court on the behalf of Mr Emmy. It is ordered that Simon Finely Esqr of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Francis West Thomas Willing & Henry Nixon Exrs of John Nixon, and John Lapsley Samuel Mifflin and Henry Nixon, Trustees of Francis West. —

vs.

Mifflin

Walter Brashear

On appeal from the Circuit Court of the United States for the District of Kentucky —

Mr Crittenden of Counsel for the appellee having filed and read in open court the following certificate, Court —

United States of America 8th Circuit Kentucky to wit

May Term 1837

Walter Brashear Complainant —

vs. In Chancery. —

Francis West Thomas Willing & Henry Nixon Executors of John Nixon & John Lapsley, Samuel Mifflin & Henry Nixon Trustees of Francis West. — } Defendants —

Saturday January 17th 1857 Continued

"The Court having now sufficiently advised of and concerning the Defendants exceptions to the Commissioners report It seems to the Court that the Commissioner correctly regarded the 11th day of May 1857 when the Ginseng was sold and shipped as his estimation of the value thereof but whether or not is not deemed material because it appears on the proof in the cause and upon which the Commissioner acted that the Ginseng was of the same value at the time the attachment was levied - The exception of the defendants in this respect is therefore overruled. The matter of the residue of the defendants exceptions and also that of the Complainant to the former report of the Commissioner is reserved until upon the final hearing -

"And thereupon this cause came on upon final hearing and the argument of Counsel being heard and the Court being sufficiently advised It seems to the Court as both the report of the Commissioner and proofs in the cause upon which only he acted, that both the invoices one of Canada and the other of Manufactured Ginseng of the 11th May 1857 was shipped and sold by the same Baltimore after the attachment issued out by the said West for the use of Mifflin and others was levied and that the Commissioner has correctly estimated the value thereof at the said

Saturday January 19th 1839. Continued.

dale at the sum of five thousand four hundred
and ninety nine dollars and ninety cents and that
the report in this respect is fully supported by the proof.
It does not appear that the defendants or either
of them assent to the said Salsinor or otherwise
any part of the charges stated by the said Salsinor
in the accounts annexed part of his deposition on
which the Commissioner has founded the statement
of charges in his report or the contrary it appears that
said charges all constitute and stand as debits against
the Complainant in the account current between him
and said Salsinor. It seems to the Court that it is
not the sum which said Salsinor may have been
entitled to the Complainant in those accounts at other
times at the time of said shipment and sale and subse-
quent insolvency of Salsinor but a sum equal to
the amount of the ginseng shipped and sold by
Salsinor after the said attachment was levied which
the Court is instructed by the mandate of the Supreme
Court to allow the complainants as a credit on said
judgments. It therefore seems to the Court that there
can be no deduction made from the said sum for
or on account of said charges and that the complainant
is entitled to a decree for the full sum of five thousand
five hundred and ninety nine dollars and ninety cents

Saturday January 19th 1839. Continued.

on a judgment made on the 2nd 11th May 1837. touching the application of the said Mapps to the Court that on the 7th day of March 1833 there being an execution on one of the said judgments in the hands of the Marshal the Complainant with Surety executed a Replevin Bond for the amount thereof including the interest up to that day (about two thousand nine hundred and fifty two dollars and fifty cents) and the costs of the Marshal for taking said bond (about Sixteen dollars ninety two cents) amounting in all to the sum of Six thousand four hundred and thirty seven dollars and thirty nine cents payable in two years with interest on the entire amount thereof from the date of the bond. And that afterwards at the May Term 1834 the said proceedings and bond which are before the court on this hearing being before the Court an injunction was granted the Complainant against all proceedings on said bond upon condition of his executing bond with Surety &c the effect prescribed and also against all proceedings upon the other judgment upon the like condition that the Complainant executed the injunction bond in the case of the replevin bond and obtained an injunction against all proceedings thereon whereupon an execution on the bond then in the hands of the Marshal was issued and returned but no Pro-

Saturday January 19th 1839 Continued.

other case no bond was executed and there was no injunction against that judgment. It seems to the court that the plaintiff in the judgment did not act against good conscience in proceeding on execution thereby to obtain or have secured at least the sum which it now appears he was entitled to after the deduction of the credit now allowed the complt and that he ought not now to be deprived of the benefit of the security so thereby obtained or be made to suffer the loss of the costs so expended in obtaining it therefore so much of the said credit as is equal to the amount the judgment for which no replevy bond was given and which was not enjoined exclusive of the costs but with the interest thereon up to the 11th day of May 1839 amounting to the sum of three thousand seven hundred and seventy nine dollars sixty six cents must be applied as a set off and satisfaction of said judgment. It appearing that West recovered by the other judgment more than he was in good conscience entitled he must bear his own costs in recovering this judgment the residue of said credit being the sum of one thousand eight hundred and seventy dollars and

fifty four cents must be applied as a set off for so much or as part payment of the said Replevin Bond from the judgment for which it was given and in such manner as to have the same effect as if it had been credited on the Bond or note upon which the judgment was recovered as a payment made on the 11th May and the judgment had been so ~~unwound~~ this is accomplished by ascertaining the sum after which the replevin Bond would have been taken have the judgment and execution shewn such credit. Had such a credit appeared the replevin Bond would have been for the sum of Three Thousand Three Hundred and forty four dollars and seven cents this sum deducted from the amount for which the land was taken Leaves a balance of Three Thousand one hundred and ninety three dollars and thirty two cents this sum must be endorsed on the Bond and the injunction dissolved for the residue of the amount of said Replevin Bond.-

Touching the damages it seems to the Court the complainant having taken out an injunction against all proceedings at law on this judgment which is now by this application of the credit left unsatisfied in preference to an injunction against the other

Saturday January 9th 1839 Continued.

judgment was in consequence of which had
been before acted had in the absence of the Court
the preference in the application of the credit
and is now extinguished he must be subjected
to the consequence of its dissolution the damages
must be computed on three thousand seven
hundred & ninety five dollars and seven cents
the principal & interest which was due on
the replevin bond on the 4th day of June 1824
when the injunction bond was executed after
the deduction of the said sum of $31.12.32 ap-
propriated as a part payment thereon thereon.
This gives the sum of three thousand and
seventy nine dollars and fifty cents of damages.

The decree for the damages of ten per cent
on the penal of the replevin Bond as a which the
injunction was dissolved being a part of the
former decree of this Court which was reversed
by the Supreme Court & by said decree and according
to the mandate of that Court remitted. It does
not appear that any part of the amount of the
damages has been made by execution, or otherwise
paid by the complainant. The proceedings by execu-
tion which seem to be referred to by the Commissioner
in his former report, and to which the report seems

Saturday January 19th 1839 Continued.

the Complainant seem to refer are not before the Court, the records of them is no part of this Cause. There is no allegation of them in the proceedings or by petition and therefore no credit to which the Complainant may be entitled at law for money made by execution or paid by him to Combs & others on said Replevin Bond or judgment is considered or adjudicated upon in this case.

It is therefore decreed and ordered that the said Francis Mccet and his trustee Samuel Mifflin, & Wm Lapsley and Henry Nixon & all others be perpetually enjoined from all proceedings on said judgment at law recovered in the name of said Thomas West against the Complainant Walter Brashear for the amount of which no replevin bond has been given and which had not been heretofore enjoined by an interlocutory order of this Court.

It is further decreed and ordered that the said defendants and all others be also enjoined from all proceedings on the said Replevy Bond granted for the amount of the other Judgment by the said Walter Brashear with Robert T Barr his security bearing date the 9th March 1832 or upon the said Judgment as to the said sum of three thousand

Saturday January 19th 1839. Continued —

two hundred and ninety three dollars and thirty three cents and also the interest accrued or to accrue on said part of said bond since the day of its date and also costs accrued in consequence of subsequent proceedings by execution to coerce the payment of this part of the said bond.

It is further decreed and ordered that the complete injunction as to the recovery of the said eighteen bond being the sum of three thousand three hundred and forty four dollars and seven cents with interest thereon from the date of the bond and also the costs incurred in subsequent proceedings by execution for the collection of this part of said bond be and the same is hereby dissolved

And it is decreed and ordered that the complt Wm Wallace Executor &c of the [illegible] West for the use of Samuel Mifflin John Copsley and Henry Nixon the sum of three hundred and seventy nine dollars and fifty cents being the ten per cent damages on the amount due in equity on the replevy bond after the injunction was granted and as to that it is dissolved. —

It is further decreed and ordered that the defendant Francis West & Samuel Mifflin & John

Saturday January 19th 1839. Continued.

Lastly and Henry Nixon pay to the Complainant his costs expended in this suit except so much thereof as was expended in consequence of his opposing and prosecuting his claim for a set off and credit for and an account of the judgement obtained against him as special bail for Francis Hiest by George Swaine and after deducting the amount of costs expended by said defendants in their defence against said claim.

It is further decreed and ordered that the Compl't pay to the said Thomas M. Willing and Henry Nixon as Executors of John Nixon dec'd their costs in their defence expended.

And it is further ordered that John H. Hanna the Commissioner be allowed fifty dollars to be paid by the Complainant and to be taxed in the bill of costs against the defendants West & his Trustees

Whereupon the defendants by their Counsel pray an appeal to the Supreme Court of the United States which is granted upon their entering into bond in the Clerks office within forty days with good and sufficient security in the penalty of four hundred dollars conditioned according to law.

The following is a copy of the appeal bond spoken of herein. To wit: —

Saturday January 19th 1839 Continued.

"Know all men by these presents that we Francis West Thomas Willing & Henry Nixon Executors of John Nixon, and John Sapsley, Samuel Mifflin & Henry Nixon Trustees of Francis West and Owen Glendower Bates are held and firmly bound unto Walter Brashear in the just and full sum of Four hundred dollars to which payment well and truly to be made we bind ourselves our heirs Executors and administrators firmly by these presents Sealed with our Seals and dated this 24th day of June 1837.-

"The condition of the above obligation is such that whereas the above bound Francis West Thomas Willing & Henry Nixon Executors of John Nixon & John Sapsley Samuel Mifflin & Henry Nixon Trustees of Francis West have obtained an appeal from a decree of the 8th Circuit Court of the United States of America in and for the Kentucky District wherein the said Walter Brashear was Complainant and the said Francis West de were defendants to the Supreme Court of the United States.-

"Now if the aforesaid Francis West &c &c &c shall prosecute the said appeal with effect or on failure thereof pay all costs and damages that may be awarded against them then the above

Saturday January 1st 1839 Continued

obligation to be void otherwise to remain in full force and virtue. — C. S. Cates Seal

United States of America
5th Circuit Kentucky District Set. —

I John H. Hanna Clerk of the 5th Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing pages contain true copies of the recognizance of appeal Bond made and taken in the said therein mentioned. — In Witness Whereof I have hereunto subscribed my name and affixed the Seal of said Court this 22d day of December A.D. 1838 and in the 63d year of our Independence

J. H. Hanna

and the following Mandamus Writ

William Shelton & William Bushnell — In this case the Circuit Court of the United States for the 5th Circuit of Kentucky District rendered a decree at the March Term 1837. Upon the prayer of the appellees an appeal was granted upon their entering into Bond with security which was done accordingly. And the appellants have never as yet given Bond in this Court as required by the rules, nor have they docketed & prosecuted said appeal, nor entered the

Saturday January 19th 1839. Continued.

same to be docketed for trial in this Court, and therefore the appellees Brashear by his Counsel, moves the Court to docket and dismiss said appeal. M. Crittenden for Plaintiff in Error moved the Court in pursuance of the 30th rule of this Court to have this appeal docketed and dismissed. On consideration whereof. It is now here ordered, adjudged and decreed by this Court that this appeal from the Circuit Court of the United States for the District of Kentucky be and the same is hereby docketed & dismissed with Costs. And that this cause be and the same is hereby remanded to the said Circuit Court that such further proceedings may be had therein according to right and justice ought to be had the said appeal notwithstanding. Pr. M. Ch. Jus. Taney.—

John Field, Benjamin Field, William Field - plaintiffs in Error	In Error to the Court of Appeals for the State of Kentucky.
vs.	
The President & Directors of the Bank of the Commonwealth of Kentucky.	M. Crittenden of Counsel for the Defendants in Error.

Writs in Error having been filed and read in open

Saturday January 19th 1839. Continued

Court the following certified Copies to wit.

"The United States of America—

The President of the United States of America—

To the Judges of the Court of Appeals in and

for the Kentucky District Greeting:

"That be cause in the record and proceedings and

also in affirming a judgment of the Circuit

Court wherein the President & Directors of the Bank

of the Commonwealth of Kentucky were plaintiffs

and John Field, Benjamin Field, and William Field

were defendants and by the affirmance of said

judgment manifest error hath intervened to the

great damage of the said John Field, Benjamin

Field and William Field as in their Complaint

hath been alledged and as it is just and proper

that the error if any there be should be corrected

in due manner and that full and speedy justice be

done to the parties in this behalf you are hereby

commanded that if a judgment be given then

cause you that you distinctly and openly send the

record and proceedings in the said aforesaid with

all things concerning them and this writ so that

you have the same before the Chief Justice and

Associate Justices of the Supreme Court of the

United States on the second Monday of January

Saturday January 19th 1839 Continued.

next at the City of Washington the present seat of the National government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. —

"Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 4th day of November A.D. 1836 and in the 61st Year of our Independence. —

Attest Jno. A. Hanna, C.C.C.K.D.

A true copy Test Jno. A. Hanna, C.C.C.K.D.

Allowed by John McLean Associate Justice Supreme Court United States Seventh Circuit.

"To the President and Directors of the Bank of the Commonwealth of Kentucky —

"Whereas a writ of error hath been issued by the clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of John Field, Benjamin Field and William Field returnable to the Supreme Court of the United States on the second Monday in January next to reverse a certain Judgment rendered in the Court of Appeals for the State of Kentucky wherein the said John Field, Benjamin Field

Saturday January 14th 1837 Continued

and William Ford are appellants and the President and Directors of the Bank of the Commonwealth of Kentucky are appellees These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error. –

Witness my hand as an officer of the Supreme Court of the United States this 11th day of November A.D. 1836 and in the 61st years of the Independence of the United States. –

John McLean.

A Copy Test Geo. H. Hamm, C. C. C. K. D.

United States of America
5th Circuit Kentucky District } Set. –

I John H. Hamm Clerk of the 5th Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing writ of error & Citation are truly copied from the originals remaining of record in the Clerks office of the Court aforesaid. –

In Testimony Whereof I have

Saturday January 19th 1839. Continued.

"hereunto subscribed my name and affixed the seal of said Court this 22d day of September A.D. 1838 and in the 63d year of our Independence. —

Jno. F. Hamm" —

and having stated that the said plaintiff in Error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 30th rule of this Court to have the said writ docketed and dismissed — Whereupon consideration whereof. It is now here ordered and adjudged by this Court that this writ of error to Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with Costs, And that this cause be and the same is hereby remanded to the said Court of Appeals — That such further proceedings may be had therein as according to right and justice ought to be had, the said writ of error notwithstanding. —

Jno. Ch. Jus. Tawney. —

Saturday January 19th 1839. Continued.

Thomas N. Berryman, R. S. Stall and Lillis Lyer — Jeffs in Er- vs. The President & Directors of the Bank of the Comm^th of Kentucky -	In Error to the Court of Appeals for the State of Kentucky

Mr Crittenden of Counsel for the Defendant in Error having filed and read in open Court the following certified copies, to wit

The United States of America -

(Seal)

The President of the United States of America to the Judges of the Court of Appeals in and for the State of Kentucky - Greeting. -

Because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Thomas N. Berryman, R. S. Stall and Lillis Lyer were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defts and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Thomas N. Berryman, R. S. Stall and Lillis Lyer as in their complaint hath been alleged and we being willing that error if any there be should be corrected in due manner and that full and speedy justice be done to the parties we command & the parties in this behalf

Saturday January 14th 1839. Continued

You are hereby commanded that if a judg-
ment be given there under your seal you distinct-
ly and openly send the record and proceedings a-
the said aforesaid with all things concerning
them and this writ so that you have the same
before the Chief Justice and aforesaid Justices
of the Supreme Court of the United States on
the Second Monday in January next at the
City of Washington the present Seat of the
National Government that the record and pro-
ceedings aforesaid being inspected that they may
cause to be done thereupon what of right ought
to be done. Witness the Honorable Roger B. Taney
Chief Justice of the Supreme Court of the
United States this 14th day of November A.D.
1838 and in the 63rd year of our Independence

Att. Test Hamm C.C.C.K.D.

A copy test Test Hamm C.C.C.K.D.

Allowed by John M. Scott Circuit Supreme
Court United States Seventh Circuit.

To the President & Directors of the Bank of the
Commonwealth of Kentucky

"Whereas a writ of error hath been issued
by the Clerk of the Seventh Circuit Court of the
United States of America in and for the Kentucky

Saturday January 19th 37 Continued

District on behalf of Thomas A. Barryman, R. P. Stahl & Lillie Lyon returnable to the Supreme Court of the Supreme of the United States on the Second Monday in January next to reverse a Judgment rendered in the Court of Appeals for the State of Kentucky wherein the said Thomas A. Barryman, R. P. Stahl and Lillie Lyon were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error. Witness my hand as an Associate Justice of the Supreme Court of the United States this 11th day of November A.D. 1836, and in the 61st year of our Independence. John McLean.

A Copy Test Jno. H. Hanna C.C.C.K.D.

United States of America

8th Circuit Kentucky District & Sct.

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do hereby certify that

Saturday January 19th 1839 Continued

the foregoing writ of error & Citation are truly copied from the originals remaining of record in the Clerks office of the Court aforesaid...

In Testimony whereof I have hereunto subscribed my name and affixed the Seal of said Court this 30th day of September A.D. 1838 and in the 63d Year of our Independence.

Seal

Jno. H. Hanna. —

And having stated that the said Plaintiff in Error had altogether failed to file the record of said cause in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 30th rule of this Court to have this writ of error docketed and dismissed. —

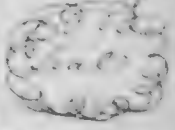
On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with costs: and that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had the said writ of error notwithstanding. —

Jno. Mc. Ch. Jus. Taney. —

Saturday January 19th 1839 Continued.

Robert Lightfoot Executor and Richard Curd Executor &c. Pltffs in Error vs. The President & Directors of the Bank of the Commonwealth of Kentucky	In Error to the Court of Appeals for the State of Kentucky.

Mr Crittenden of Counsel for the defendants in Error having filed and read in open Court the following certified Copies, to wit -



The United States of America -

The President of the United States of America to the Judges of the Court of Appeals in and for the State of Kentucky District - Greeting. -

Whereas because in the proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Robert Lightfoot Executor and Richard Curd were plaintiffs, and the President and Directors of the Bank of the Commonwealth of Kentucky were Defts and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Robert Lightfoot Executor and Richard Curd as in their Complaint has been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf You are

Saturday January 19th 1839 Continued.—

hereby commanded that if a fiagment be
given, then under your seal you distinctly and
openly send the record and proceedings in the
suit aforesaid with all things concerning them
and this writ, so that you have the same before the
Chief Justice and aforesaid Justices of the Supreme
Court of the United States on the Second Monday
in January next in the City of Washington
that the record and proceedings aforesaid being
inspected that they may cause to be done
thereupon what of right ought to be done.—

"Witness the Honorable Roger B. Taney
Chief Justice of the Supreme Court of the United
States at Washington aforesaid this 14th day of
November A.D. 1838 and in the 61st Year of our
Independence.— Attl. Jno. A. Hanna, C.C.C.K.D.

"Copy Test Jno. A. Hanna, C.C.C.K.D.

"Allowed by John McLean Justice Supreme Court
United States 7th Circuit.—

"To the President & Directors of the Bank of
the Commonwealth of Kentucky.—

"Whereas a writ of error hath been issued
by the Clerk of the Seventh Circuit Court of the
United States of America in and for the Kentucky
District on behalf of Robert Leyburn, Edward

Saturday January 19th 1839 Continued.

Curd and Richard Curd returnable to the Supreme Court of the United States on the 2d monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein the said Robert Lightfoot Edmund Curd and Richard Curd were appellants and the said President & Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the writ of Error.

Witness my hand as an officer of the Supreme Court of the United States this 14th day of November A.D. 1838 and in the 63d year of the Independence of the United States.

John McLean

A Copy Test. Jno. H. Hanna C. C. U. S.

United States of America }
8th Circuit Kentucky District } Set.

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do hereby certify

Saturday January 1st 1839 Continued -

That the foregoing writ of error and Citation are truly copied from the records of the Clerk's office of the Court aforesaid. —

In Testimony whereof I have hereunto subscribed my name and affixed the Seal of said Court this 1st day of October A.D. 1838. and in the 63d year of the Independence of the United States —

Jno. T. Warren C.C.

and having stated that the said plaintiff in error had altogether failed to file the record of said case in this Court or in any way to prosecute the said writ of error, now moved the Court in pursuance of the 30th rule of this Court to have the writ of error dismissed and the same - On Consideration Whereof It is now ordered and adjudged by this Court that the writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby dismissed with costs - and that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be on the said writ of error and this Court -

Jno. Mc. Kinley —

Saturday January 14th 1837 Continued.

Robert Lightfoot, Richard Curd & Jesse Mosley - Plff in Er. vs. The President & Directors of the Bank of the Comm.th of Kentucky.	In Error to the Court of Appeals for the State of Kentucky - Mr Crittenden of Counsel for the Plff in Error

hands in Error having filed and used an open Court the following writ of Error is set.

(Seal) "The United States of America.

"The President of the United States of America

"To the Judges of the Court of Appeals in and for the Kentucky District. Greeting.

"That because in the record and proceedings and also in affirming a Judgment of the Ohio Circuit Court wherein Robert Lightfoot, Richard Curd and Jesse Mosley were Plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Robert Lightfoot, Richard Curd and Jesse Mosley as in their Complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this

Saturday January 19th 1839 Continued.—

behalf you are hereby commanded that if a judgment be given there under your seal you distinctly and openly send the record and proceedings in the said aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and aforesaid Justices of the Supreme Court of the United States on the 2nd Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 14th day of November A.D. 1838 and in the 63rd year of the Independence of the United States.

Jno. H. Hanna Clk. S.C.

A Copy Test, Jno. H. Hanna. C. C. C. K. S.

Allowed by John McLean Justice Supreme Court United States Seventh Circuit

To the President and Directors of the Bank of the Commonwealth of Kentucky—

"Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky

Saturday January 14th 1837 Continued.

Writ on behalf of Robert Lightfoot, Richard Curd and Jesse Moseby returnable to the Supreme Court of the United States on the second Monday in January next to reverse a Judgment decided in the Court of Appeals for the State of Kentucky wherein the said Robert Lightfoot, Richard Curd and Jesse Moseby were appellants and the President & Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the same with affect - Witness my hand as an associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1836 and in the 61st year of our Independence. - John McLean

A Copy Test John H. Hanna C.C.K.D.

United States of America }
8th Circuit Kentucky District } Set.

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing

Saturday January 19th 1839 Continued

writ of error and citation are truly copied from the records of the Clerks office of the Court aforesaid. In Testimony whereof I have hereunto subscribed my name and affixed the Seal of said Court this 1st day of October A.D. 1838 and in the 63d year of our Independence. Jno. K. Morrow

and having stated that the said plaintiff in Error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error now here moved the Court in pursuance of the 30th rule of this Court to have this writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with Costs. And that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had the said writ of error notwithstanding.

Jo. Mc Kn. Jns. Taney.

Saturday January 19th 1839 Continued

Thomas Taylor Jr & Richard P. Nall pls &c vs Joseph in Error to the Court of Appeals for the State of Kentucky —	
The President & Directors of the Bank of the Commonwealth of Kentucky	

Mr Crittenden of counsel for the defendants in error having filed and read in open court the following certified copies to wit: —

"United States of America —

"The President of the United States of America —

"To the Judges of the Court of Appeals in and for the Kentucky district — Greeting: — . . . . . .

"That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Thomas Taylor Jr & Richard P. Nall were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Thomas Taylor Jr and Richard P. Nall as by their complaint hath been alleged and as it is just and proper that error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf. You are thereby commanded that if a judgment be given

Saturday January 19th 1839 Continued –

"then under your seal you distinctly and openly
send the record and proceedings in the suit aforesaid
with all things concerning them and this writ so
that you have the same before the Chief Justice
of the Supreme Court of the United States on the
second Monday in January next at the City of
Washington the present seat of the National Govern-
ment that the record and proceedings aforesaid being
inspected that they may cause to be done thereupon
what of right ought to be done – Witness the Hon-
orable Roger B. Taney Chief Justice of the Supreme
Court of the United States at Washington aforesaid
this 14th day of November A.D. 1838 and in the 61st year
of our Independence – Attest Jno. H. Hanna Cl. C.K.S.

A Copy Test Jno. H. Hanna. Cl. C.K.S.

Allowed by John McLean Justice Supreme
Court United States Seventh Circuit –

"To the President and Directors of the Bank of
the Commonwealth of Kentucky. –

"Whereas a writ of Error hath been issued by
the Clerk of the Seventh Circuit Court of the United
States of America in and for the Kentucky District
on behalf of Thomas Taylor Jr. & Richard P. Nail
returnable to the Supreme Court of the United States
on the second Monday in January next whereon

Saturday January 19th 1839. Continued.

the said Thomas Taylor Jr and Richard P. Stall were appellants and the President and Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error. Witness My hand as Clerk aforesaid Justice of the Supreme Court of the United States this 4th day of November A.D. 1836 and in the 61st Year of our Independence.

John McLean

A Copy Teste Jno. H. Hanna. C.C.C.K.D.

United States of America }
8th Circuit Kentucky District } Sct.

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do hereby Certify that the foregoing citation and writ of error are truly copied from the records of the Clerks office of the Court aforesaid.

In Testimony Whereof I have hereunto subscribed my name and affixed

Saturday January 19th 1839 Continued

Seal

"the Seal of said Court this 1st day of October A.D. 1838 and in the 63d year of our Independence.—

Jno. A. Hanna

And having stated that the said plaintiff in error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error, Now here moved the Court in pursuance of the 30th rule of said Court to have this writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with costs and that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had, the said writ of error, notwithstanding.—

Pr. Mr. Ch. Jno. Taney.—

Saturday January 19th 1839 Continued

Aaron Sewell, Richard L. Walker and James Gibson Plffs in Er. vs. The Pres. and Directors of The Bank of the Commwth of Kentucky	In Error to the Court of Appeals for the State of Kentucky.

Mr. Cullenden of Counsel for the defendants in Error having filed and read in open court the following certified copies, to wit—

"The United States of America

"The President of the United States of America to the Judges of the Court of Appeals in and for the State of Kentucky Greeting: —

"That because in the record and proceedings and also in affirming a judgment of the Juncis Circuit Court wherein the President & Directors of the Bank of the Commonwealth of Kentucky were Plaintiffs and Aaron Sewell, Richard L. Walker and James Gibson were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Aaron Sewell, Richard L. Walker & James Gibson as in their complaint hath been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy

Saturday January 19th 1839 Continued.

justice be done to the parties in this behalf. You are hereby commanded that if a judgment be given therein under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and associate Justices of the Supreme Court of the United States on the second Monday in January next at the city of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected they may cause to be done thereupon what of right ought to be done.—

"Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States this 4th day of November A.D. 1838 and in the 63d year of our Independence.—

Attest Jno. W. Hanna, C.C.C. K.D.

A Copy Test Jno. W. Hanna, C.C.C. K.D.

Allowed by John McLean Justice Supreme Court United States Seventh Circuit.—

"To the President and Directors of the Bank of the Commonwealth of Kentucky—

"Whereas a writ of error hath been issued by the Clerk of our Seventh Circuit Court of the

Saturday January 17th 1839 Continued

United States of America in and for the Kentucky District on behalf of Aaron Sewell Richard L. Walker & James Edson returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein the said Aaron Sewell Richard L. Walker and James Edson were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees. These are therefore to cite and commend you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said Judgment and to be heard if any thing you have to say upon the said writ of error. - Witness my hand as an Associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1838 and in the 61st year of the Independence of the United States. - John McLean -

A Copy Teste Jno. H. Hanna C.C.C.K.D.

"United States of America -

5th Circuit Kentucky District. } Set. -

I, John H. Hanna Clerk of the 5th Circuit Court of the United States of America in and for the

Saturday January 19th 1839 Continued.

Kentucky District do hereby certify that the foregoing writ of Error and Citation are truly copied from the original on record in the Clerks office of the Court aforesaid. — In Testimony whereof, I have hereunto subscribed my name and affixed the Seal of said Court this 22d day of September A.D. 1838 and in the 63d Year of our Independence. —

Seal

Jno. H. Hanna. —

and having stated that the said Plaintiff in error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error now here moved the Court to have the writ of error docketed and dismissed. On Consideration whereof, It is now here ordered and adjudged by this Court that the writ of error to the Court of Appeals for the State of Kentucky, be and the same is hereby docketed and dismissed with Costs and that the cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had, the said writ of error notwithstanding. —

J. M. Ch. Jno. Kinney. —

Saturday January 19th 1839 Continued.

Henry Stephens & Samuel Bennett &c. Pffs in Er vs. The Commonwealth Bank of Kentucky —	In Error to the Court of Appeals for the State of Kentucky. —

Mr Crittenden of Counsel for the Defendants in Error having filed and read in open Court the following certified Copies, to wit —

"The United States of America

The President of the United States of America To the Judges of the Court of Appeals in and for the State of Kentucky — Greeting: —

"That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Henry Stephens & Samuel Bennett were Plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Henry Stephens and Samuel Bennett as in their complaint has been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf You

Saturday January 19th 1839 Continued.

are hereby commanded that if a judgment be given then under your Seal you distinctly and openly send the record and proceedings in the said aforesaid with all things concerning them and this writ, so that you have the same before the Chief Justice and aforesaid Justices of the Supreme Court of the United States on the Second Monday in January next at the City of Washington the present Seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. –

"Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 14th day of November A.D. 1838 and in the 31st year of our Independence. – Attest Geo. H. Hamm C.C.C.K. &

A copy Teste – Geo. H. Hamm, C.C.C.K. &

Allowed by John McLean Justice Supreme Court Court United States Seventh Circuit. –

"To the President and Directors of the Bank of the Commonwealth of Kentucky –

"Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District

Saturday January 19th 1839 Continued

"on behalf of Henry Stephens and Samuel Bennett returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment decided in the Court of Appeals for the State of Kentucky wherein the said Henry Stephens and Samuel Bennett were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees – Then are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard of any thing you have to say upon the same writ of error –

"Witness my hand as an Associate Justice of the Supreme Court of the United States this 4th day of November A.D. 1838 and in the 63d year of the Independence of the United States. –

John McLean

A Copy Teste Jno. H. Hanna, C.C.C.K.D.

United States of America }
8th Circuit Kentucky District } Set. –

"I, John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the

Saturday January 19th 1839 Continued

Kentucky do hereby Certify that the foregoing writ of error and Citation are truly copied from the original remaining of record in the Clerks office of the Court aforesaid.-

In Testimony whereof, I have hereunto subscribed my name and affixed the Seal of said Court this 26th day of September A.D. 1838 and in the 63d year of its independence.- Robt H Hamai

And having stated that the said Plaintiffs in Error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 30th rule of this Court, to have the writ of error docketed and dismissed- On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with costs: and that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had, the said writ of error notwithstanding.- Jos. M. Ch. Jus. Taney -

Saturday January 19th 1839 Continued

Marcus Thomas Benjamin F. Thomas & Aquilla Young &c. Pl'ffs in Er. vs. The President & Directors of the Bank of the Commw. of Kentucky	In Error to the Court of Appeals for the State of Kentucky.

Mr. Crittend of counsel for the defendants in Error having filed and read in open court the following certified copies, to wit.

"The United States of America. (Seal) The President of the United States of America To the Judges of the Court of Appeals in and for the State of Kentucky Greeting. —

That because in the record and proceedings and also in affirming a judgment of the Montgomery Circuit Court wherein the President and Directors of the Bank of the Commonwealth of Kentucky were plaintiffs and Marcus Thomas and Benjamin F. Thomas and Aquilla Young were defendants and by the affirmance of said judgment with ten per cent damages manifest error hath intervened to the great damage of the said Marcus Thomas Benjamin F. Thomas and Aquilla Young as in their complaint has been alleged and as it is just and proper that the error if any there be should be corrected in due manner

Saturday January 19th 1839 Continued.—

and that full and speedy justice be done to the parties in this behalf. You are hereby commanded that of a judgement be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present Seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States this 13th day of June A.D. 1838 and in the 62nd year of our Independence. Attest Jno. H. Hanna C.C.C.K.D.

A Copy Teste Jno. H. Hanna C.C.C.K.D.

Delivered by George Robertson Chief Justice Kentucky this 13th June 1838.—

"To the President & Directors of the Bank of the Commonwealth of Kentucky.—

"Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District

Saturday January 19th 1839 Continued

on behalf of Marcus Thomas, Benjamin F. Thomas and Aquilla Young returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment decided in the Court of Appeals for the State of Kentucky on the 3d day of June inst and wherein the said Marcus Thomas Benjamin F. Thomas & Aquilla Young were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants. These are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard of any thing you have to say upon the said writ of error.

Witness my hand as Chief Justice of the Court of Appeals of the Commonwealth of Kentucky this 13th day of June A. D. 1838 and in the 60th year of our Independence.

"Geo. Robertson"

"A Copy Test Jno. A. Hanna C. C. K. A."

"Issued with Writ Resident Bank Commonwealth June 13th 1838. J. C. Pinpell D. Mal for Jno. McCalla M. K. D."

"United States of America

6th Circuit Kentucky District Set.

I John A. Hanna Clerk of the 6th Circuit Court

Saturday January 19th 1839 Continued.

of the United States of America in and for the Kentucky District do hereby certify that the foregoing writ of Error & Citation are truly copied from the original remaining of record in the Clerks office of the Court aforesaid In Testimony whereof I have hereunto subscribed my name and affixed the Seal of said Court this 22d day of September A.D. 1838 and in the 63d year of our Independence. And it appearing that the said Plaintiffs in error had altogether failed to file the record of said Cause in this Court or in any proper manner sued out said writ of error, now here moved the Court in pursuance of the 30th rule of this Court to have the writ of error dismissed and dismissed. On Consideration whereof It is now here ordered and adjudged by this Court that the writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby dismissed and dismissed with costs: And that this Cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had the said writ of error Notwithstanding. —

P. Mr Ch. Jus. Taney. —

Saturday January 19th 1839 Continued

Richard P. Hall, Elijah Phipps Dellis Dyer & William Tidson.	In Error to the Court of Appeals for the State of Kentucky
82.	
The President & Directors of the Bank of the Commonwealth of Kentucky	

Mr Crittenden of Counsel for the defendant in Error having filed and read in open court the following Certified Copies Viz. —

"The United States of America —

(Seal)

"The President of the United States of America —

"To the Judges of the Court of Appeals in and for the District of Kentucky Greeting. That because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court in the cause Richard P. Hall, Elijah Phipps Dellis Dyer & William Tidson were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Richard P. Hall Elijah Phipps, Dellis Dyer & William Tidson as in their complaint has been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties

Saturday January 14th 1837 Continued.

in the behalf you are hereby commanded that if a judgment be given then under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ to that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done -

"Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 14th day of November A.D. 1836 and in the 61st year of our Independence -

Attest Jno. A. Hamm C.C.C.K.D.

A Copy Teste Jno. A. Hamm C.C.C.K.D.

Allowed by John McLean Justice Supreme Court United States 7th Circuit. -

"To the President & Directors of the Bank of the Commonwealth of Kentucky. -

"Whereas a writ of error hath been issued by the Clerk of our Seventh Circuit Court of the United States of America in and for the Kentucky District

Saturday January 19th 1839. Continued

on behalf of Richard P. Nall, Elijah Phipps, Stills Dyer and William Eidson returnable to the Supreme Court of the United States on the Second Monday in January next to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein the said Richard P. Nall, Elijah Phipps, Stills Dyer & William Eidson were appellants and the said President and Directors of the Bank of the Commonwealth of Kentucky were appellees.

These are therefore to cite and Command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of said judgment and to be heard if any thing you have to say upon the said writ of error.

Witness My hand as an Associate Justice of the Supreme Court of the United States this 14th day of November A.D. 1838 and in the 61st Year of the Independence of the United States.

John McLean.

A Copy Test John H. Hanna Clk K.D.

United States of America }
8th Circuit Kentucky District } Set.

I John H. Hanna Clerk of the 8th Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing writ of

Saturday January 19th 1839 Continued.

error and Citation are truly copied from the original on file in the Clerks office of the Court of Appeals.

In Testimony whereof I have hereunto subscribed my name and affixed the Seal of said Court the 21st day of September A.D. 1838 and in the 63d Year of our Independence. — Geo. H. Hamm Clk

and having stated that the said Plaintiff in Error had altogether failed to file the record of said cause in this court or in any way to prosecute said writ of error, now here moved the court to pronounce the 30th rule of this Court, to have this writ of error docketed and dismissed. Whereupon it is Considered & Ordered thereof. It is now here ordered and adjudged by this court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with Costs. And that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had, the said writ of error notwithstanding.

Js. Mr. Ch. Js. Taney. —

Saturday January 19th 1839 Continued

Sefe Ward, Sefe Mosely & Bazil Ward - pffs in Er	In Error to the Court of Appeals for the State of Kentucky --
&c. To	
The Presidt & Directors of the Bank of the Commonwealth of Kentucky -	Mr Crittenden of counsel for the defendants in Error having filed and read in open Court the following certified copies, Viz't,

"The United States of America
(L.S.) "The President of the United States of America to the Judges of the Court of Appeals in and for the Commonwealth of Kentucky — Greeting: —

"That because in the record and proceedings and also in affirming a judgment of the Circuit Court wherein Sefe Ward Sefe Mosely & Bazil Ward were Plaintiffs and Presidt & Directors of the Bank of the Commonwealth of Kentucky were Defts and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Sefe Ward, Sefe Mosely & Bazil Ward as in their Complaint has been alleged and as it is just and proper that the error if any there be should be corrected in due manner and that full and speedy justice be done to the parties in this behalf you are hereby commanded that if a judgment be given then under

Saturday January 19th 1839 Continued.

your seal you distinctly and openly send the record and proceedings with all things concerning them and this writ so that you have the same before the Chief Justice and Associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done. Witness the Honble Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid this 4th day of December A.D. 1838 and in the 63d year of our Independence. Attest Jno. A. Hamm Clerk S.C.

A Copy Test Jno. A. Hamm. C.C.C.K.D.

Allowed by John McLean Associate Justice Supreme Court of the United States for the Seventh Circuit

To the President and Directors of the Bank of the Commonwealth of Kentucky

"Whereas a writ of error hath been issued by the Clerk of the Seventh Circuit Court of the United States of America in and for the Kentucky District on behalf of Jesse Ware, Jesse Mosely and Basil Ware returnable to the Supreme Court of the United States on the Second Monday in January

Saturday January 19th 1839. Continued.

except to reverse a judgment rendered in the Court of Appeals for the State of Kentucky wherein the said Isaac Ward, Isaac Monby & Basil Ward were appellants and the said President & Directors of the Bank of the Commonwealth of Kentucky were appellees. There are therefore to cite and command you that you be and appear in the Supreme Court of the United States at the City of Washington on the day aforesaid then and there to hear the errors assigned for the reversal of the said judgment and to be heard if any thing you have to say upon the said writ of error. -

Witness my hand as an officer of the Court of the Supreme Court of the United States this 14th day of November A. D. 1836 and in the 61st year of our Independence. - John McLean. -

A Copy Teste John H. Hanna C.C.K.D.

United States of America }
8th Circuit Kentucky District } Set

I John H. Hanna Clerk of the Eighth Circuit Court of the United States of America in and for the Kentucky District do hereby certify that the foregoing writ of error and citation are truly copied from the originals remaining of record in the Clerks office of the Court aforesaid. -

Saturday January 19th 1839. Continued.

In Testimony whereof I have hereunto subscribed my name and affixed the Seal of said Court this 21st Day of September A.D. 1838 and in the 63d year of my Independence —

Jo. S. Hamm. C.

and having stated that the plaintiff in error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 30th rule of this Court to have the writ of error docketed and dismissed. On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with costs. And that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein according to right and justice ought to be had the said writ of error notwithstanding. —

Jo. M. Clk. hs. Taney.

Saturday January 19th 1839 Continued

Lyfe Ward, William C. Rowan Philip Johnson & Henry Stephens &c. vs Joseph Hoff in Er The President & Directors of the Bank of the Commonwealth of Kentucky	In Error to the Court of Appeals for the State of Kentucky.

Mr Crittenden for the defendants in Error having filed and read in open court the following certified copies, Viz. -

"The United States of America -

"The President of the United States of America to the Judges of the Court of Appeals in and for the Kentucky District Greeting: -

"Whereas because in the record and proceedings and also in affirming a judgment of the Ohio Circuit Court wherein Lyfe Ward, William C. Rowan, Philip Johnson & Henry Stephens were plaintiffs and the President and Directors of the Bank of the Commonwealth of Kentucky were defendants and by the affirmance of said judgment manifest error hath intervened to the great damage of the said Lyfe Ward, William C. Rowan, Philip Johnson & Henry Stephens as in their complaint hath been alleged, and as it is just and proper that the error if any there be should be corrected in due form and that full and speedy justice be done to the parties in this

Saturday January 19th 1839 Continued. —

behalf you are hereby commanded, that if a judgment be given them under your seal you distinctly and openly send the record and proceedings in the suit aforesaid with all things concerning them and this writ, so that you have the same before the Chief Justice and aforesaid Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington the present seat of the National Government that the record and proceedings aforesaid being inspected that they may cause to be done thereupon what of right ought to be done

"Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States at Washington aforesaid the 14th day of November 1838 and in the 61st year of our Independence. —

Attest Jno. A. Hanna. C.C.C.K.C.

A Copy Teste Jno. A. Hanna. C.C.C.K.C.

Allowed by the Hon. Supreme Court United States 5th Circuit. —

"To the President and Directors of the Bank of the Commonwealth of Kentucky

"Whereas a writ of error hath been issued by the Clerk of the 5th Circuit Court of the United States of America in and for the Kentucky District

Saturday January 19th 1839. Continued

on behalf of Sept Ward, William C. Rowan, Philip
Johnson and Henry Stephens, returnable to the
Supreme Court of the United States on the Second
Monday in January next to reverse a judgment
rendered in the Court of Appeals for the State of Ken-
tucky, wherein the said Sept Ward, William C.
Rowan, Philip Johnson and Henry Stephens were
appellants and the said President and Directors
of the Bank of the Commonwealth of Kentucky
were appellees. These are therefore to cite and
command you that you be and appear in the
Supreme Court of the United States at the City of
Washington on the day aforesaid then and there to hear
the errors assigned for the reversal of the said judg-
ment and to be heard if any thing you have to say
why the said writ of error ought not — Witness my hand
as an Associate Justice of the Supreme Court of the
United States this 4th day of November A.D. 1838 and
in the 61st year of our Independence. — John McLean.

A Copy Test John H. Hanna, C.C.C. K.D.

(United States of America)
5th Circuit Kentucky District — S.S.

I John H. Hanna Clerk of the 5th Circuit
Court of the United States of America in and for the
Kentucky District do hereby certify that the foregoing

Saturday January 19th 1839 Continued

writ of error and citation are duly copied from the originals remaining of record in the Clerks office of the Court aforesaid —

In Testimony whereof, I have hereunto subscribed my name and affixed the Seal of said Court this 30th day of September A.D. 1838 and in the 63d Years of our Independence. —

Jno. A. Hammond. —

and having stated that the said Plaintiffs in Error have altogether failed to file the record of this case in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 30th rule of this court to have the writ of error docketed and dismissed — On Consideration whereof It is now here ordered and adjudged by this court that this writ of error to the Court of Appeals for the State of Kentucky be and the same is hereby docketed and dismissed with costs and that this cause be and the same is hereby remanded to the said Court of Appeals that such further proceedings may be had therein as according to right and justice ought to be had, the said writ of error notwithstanding — Jo. M. Ch. Jno. Taney —

Saturday January 19th 1839 Continued.

William Clark Appellt
vs
Andrew Smith

Mr Cullinden having suggested on the record that William Clark the appellant had departed this life since the appeal was prayed Viz. George R. H. Clark his late Executor and deceased George R. H. Clark Mercutter T. Clark William P. Clark and Jefferson Kennerly Clark an infant under the age of twenty one years his children and heirs at law and having filed their appearance, now here moved the court for leave to the said Executor and heirs to enter their appearance as appellants in this cause with liberty to prosecute this appeal and that the said George R. H. Clark be appointed Guardian ad litem for the minor above named — On consideration whereof, It is now here ordered by the Court that George R. H. Clark Executor and the said George R. H. Clark Mercutter T. Clark William P. Clark and Jefferson Kennerly Clark a minor by George R. H. Clark his Guardian ad litem enter their appearance in this cause and that they be and are hereby made appellants with liberty to prosecute this appeal. —

Saturday January 19th 1839 Continued.—

John F. Games vs. Jefferson
Pl. vs.
Defs of Waller Lewis.

Mr Mann having suggested on the record that Waller Lewis the defendant in Error departed this life on the 1st day of August 1838 leaving Mary Ann Tompkins late Mary A. Lewis relict of Evan R. Tompkins deceased John Graham Lewis, James Lewis and Waller and Robert Scruggs Lewis, which Waller and Robert Scruggs are minors under the age of twenty one years the children and heirs at law and having filed the appearance of the said heirs, now here moved the Court for leave to the said heirs to enter their appearance as defendants in Error in this cause with liberty to defend the same and that P. B. Wilcox of this be appointed Guardian ad litem for the minors named as above according to his consent to be so appointed endorsed on the transcript and that this cause be continued to the next term of this Court. Whereupon it is now here ordered by the court that Mary Ann Lewis Tompkins late Mary A. Lewis, relict of Evan R. Tompkins deceased, John Graham Lewis, James Lewis and Waller and Robert Scruggs Lewis minors by P. B. Wilcox their Guardian ad litem enter their appearance in this cause and that they be and they are hereby made defendants in Error in this

Saturday January 19th 1839 Continued

cause with liberty to defend the same. And it is further ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Ex parte.
In the matter of
Duncan N. Kenner

On petition for a mandamus to the Hon'ble Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana. — Mr Crispin on behalf of John Winthrop now here moved the Court to discharge the rule granted at the August Term 1838 on Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana to show cause on the second Saturday of January Term 1839 why a mandamus should not be awarded to the said Judge of the District Court as prayed for in the petition of Duncan N. Kenner with leave to any party interested in the premises to move for a discharge thereof on or before the said return day, on the ground that the said rule ought not to be granted at the said August term under the provisions of the act of 29th April 1802, according to the rules and practice of this court, which was opposed by Mr Southard in behalf of Duncan N. Kenner whereupon it was ordered by the Court that the consideration of the

Saturday 19th January 1839 Continued --

Ex parte
In the Matter of
Duncan A. Kennon

On petition for a mandamus to the Honble. John McKinley and Philip K. Lawrence Judges of the Circuit Court of the United States for the Eastern District of Louisiana. -- Mr Gilpin in behalf of John Winthrop now here moved the Court to discharge the rule granted at the August Term 1838 on John McKinley and Philip K. Lawrence Judges of the Circuit Court of the United States for the Eastern District of Louisiana to show cause on the second Saturday of January Term 1839. why a mandamus should not be awarded to the said Judges of the Circuit Court as prayed for in the petition of Duncan A. Kennon with leave to any party interested in the premises to move for a discharge thereof on or before the said return day, on the ground that the said rule ought not to be granted at the said August Term and in the provisions of the act of 29th April 1802. in according to the rule and practice of this Court, which was opposed by Mr. Southard in behalf of Duncan A. Kennon. Whereupon, It is now here ordered by the Court that the consideration of the said motion be and the same is hereby postponed for the present. --

Saturday January 17th 1839 Continued.

The State of Rhode Island and Providence Plantations. Compt vs The Commonwealth of Massachusetts.	Bill in Equity.

Mr Hazard of counsel for the complainant now here moved the Court for an order requiring the defendant to answer the amended bill filed by the complainant on or before Saturday the 26th day of January instant, which was opposed by Mr Webster in behalf of the defendant. Whereupon it is now here ordered by the court that the consideration of the motion be and the same is hereby postponed for the present.

Lessee of Samuel Reed. Plff in Error vs William Marsh	

30 Mr Preston of counsel for the defendant in Error now here moved the Court to dismiss this cause for want of jurisdiction, it not appearing upon the face of the record that any one of the cases enumerated in the 25th Section of the judiciary act of 1789, was presented to the Supreme Court of Ohio for its revision and decision upon by that court against the claim, title or privilege set up by the plaintiff in Error. Whereupon it is now here ordered by the Court that the consideration of the said motion be and the same is hereby postponed for the present.

Proclamation being made the court is adjourned until

Monday January 21st 1839.—

Pursuant to adjournment the court met this morning at the Capitol.—

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Hon'ble	John M'Lean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

On motion first made to the Court in the behalf by Mr Ogden. It is ordered that R. E. Innes Esqure of the State of New York and Daniel Webster Esqure of the State of Illinois be admitted to practice as an Attorney and Counsellor of this Court and they were severally sworn accordingly.—

Monday January 21st 1839 Continued. —

William K. Smith. Appll
vs
Guy Richards —

The argument of the cause was continued by Mr. Berry for the appellee —

On motion first made to the Court in this behalf by Mr. Webster. It was ordered that George E. Badger Esqr of the State of North Carolina be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday January 22d 1839. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron —	

Alexander Hunter Esqr Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Clement Woodward Jr Esqr	In Error to the Circuit
vs.	Court of the United
James Brown & wife —	States for the District
	of Columbia holden

in and for the County of Washington —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and

Tuesday January 22nd 1839 Continued. -

for the County of Washington and was argued by counsel On Consideration whereof, It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. -

Jr. M. Jus. McLean. -

Paulina P. Whiting & Helen B. Whiting heirs at law of Ruggles Whiting, dec'd and James Richardson admr of the said decedent & Enfield Johnson and Gabriel S. Johnson. Appellants

vs.

The President, Directors & Company of the Bank of the United States.

On appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel. On Consideration whereof, It is now here ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. -

Jr. M. Jus. Story. —

Tuesday January 22d 1839 Continued.

John P. Van Ness and	In Error to the
William Jones - pltffs in Error	Circuit Court of the
vs.	United States for the
The President Directors & Company	District of Columbia
of the Bank of the United States.	holden in and for the
	County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs —

Pr. M. Ch. Jus. Taney —

William K. Smith. Appt	The argument of this
vs.	cause was continued
Guy Richards	by Mr Berry for the
	Appellee —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday January 23d 1839. —

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On Motion first made to the Court in this behalf by Mr Webster. It is ordered that George R. Babcock Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Wednesday January 23d 1839. Continued.—

William K. Smith appt
vs
Guy Richard ——

The argument of the cause was continued by Mr Crittenden for the appellee and by Mr Webster for the appellant.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Thursday January 24th 1839.—

Journment & adjournment the Court met this morning at the Capitol.—

Present

The Honorable Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
The Hon'ble John M'Lean Associate
Henry Baldwin Justices.—
James M. Wayne,
Philip P. Barbour &
John Catron.

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk —

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Peters— It is ordered that Hugh Lenox Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Thursday January 21st 1839 Continued.

William R. Smith. Appll vs Guy Richards.	The argument of this cause was concluded by Mr Webster for the appellant.

Nathan Carr & al. appls vs Joseph Hoppin	The death of Joseph Hoppin the appellee since the last January Term of this court having been suggested and the appearance of Nicholas G. Hoppin admr of the said Joseph Hoppin having been filed in the words and figures following, to wit:

Supreme Court of the United States January Term A.D. 1839

In the Case - Nathan Carr et al Appellants vs Joseph Hoppin. — Respectfully represents Nicholas G. Hoppin of West Greenwich in the State of Rhode Island, that the above named Joseph Hoppin died at said West Greenwich on or about the 15th day of June A.D. 1838, that he the said Nicholas G. has been duly appointed by the Court of Probate of said Town of West Greenwich, administrator on the estate of the said Joseph Hoppin deceased, and has qualified himself according to Law to act in the discharge of said trust. Wherefore the said Nicholas G. Hoppin prays this Honorable court that he in his said capacity may be

Thursday January 24th 1839 Continued.

admitted as a party in the above entitled cause. —
Nicholas G. Hopkins, administrator of the Estate
of Joseph Hopkins —

It is now here ordered by the Court that the appearance of Nicholas G. Hopkins administrator of Joseph Hopkins deceased be and the same is hereby entered as appellee in this cause with liberty to defend the appeal. —

Nathan Carroll appellant vs. Joseph Hopkins admr	On motion of Mr Fillmyhast of counsel for the appellant. It is now here ordered by the Court that this cause be

and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. —

William Wallace Plff in Er vs. Corry McConnell —	This cause was argued by Mr Kay for the plaintiff in Error and by Mr Crittenden for the defendant in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday January 25th 1839.

Pursuant to Adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honorable	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened.

The motion first made to the Court in this behalf by Mr Ogden. It was ordered that Samuel L. Raymond Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday 25th January 1839 Continued.—

On motion first made to the Court in this behalf by Mr Lee. It is ordered that John R. Cooke Esquire of the State of Maryland be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

On motion first made to the court in this behalf by Mr. Sergeant. It is ordered that J Hall Brady Esquire of the State of Pennsylvania be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly.—

Supervisors of Charles C Scott use 22 vs Jos Officer Thomas Reid Jr. & al	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court

Bank United States Appt 24 vs Elizabeth Lee et al	The argument of this cause was commenced by Mr Lee for the Appellant continued by Rgt Mr Mackey Stocks for the Appellee & concluded by Mr Sergeant for the Appellant.—

Proclamation being made the Court is adjourned until tomorrow

Saturday January 25th 1839. —

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
The Honble	John McLean	Associate
	Henry Baldwin	Justices —
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the court is opened —

On motion first made to the court on the behalf by Mr Key. It is ordered that Selah Wright Jr Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this court and he was sworn accordingly. —

Saturday January 20th 1839 Continued

On motion first made to the Court in this behalf by Mr Eglen. It is ordered that Lunsford Lindsay Field Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Southard. It is ordered that John P. B Maxwell Esquire of the State of New Jersey be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

The State of Rhode Island and Providence Plantations. Compt

vs

The Commonwealth of Massachusetts

Bill in Equity.—

On motion of Complts Counsel that Defts first answer ver.—

The Bill heretofore filed by Rhode Island in this case, having been amended on the 2d day of the present Term, it is ordered by the Court that Massachusetts be allowed until the first Monday in August next to elect whether that State will withdraw its appearance pursuant to the leave granted at January Term 1838, and if the appearance of Massachusetts be withdrawn within the time above mentioned, that Rhode Island

Saturday January 21st 1839 Continued. —

be thereupon at liberty to proceed exparte —

And if the appearance of Mr. Archbold shall not be withdrawn within the time above mentioned it is then ordered that the said State answer the amended bill of the Complainant on or before the second day of January Term 1840 —

The motion made by the Complainant on Saturday the 19th of the present month is overruled.

Jr. M. Ch. Jno. Taney. —

Ex parte.
In the matter of
Duncan N. Cameron.

On petition for a mandamus to the Honble Philip N. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana.

On Consideration of the motion made by Mr Pelpin on a prior day of the present term of this Court, Court on Saturday the 19th inst and of the arguments of Counsel thereupon had as well in support of as against the motion. It is now here considered and ordered by this Court that the said motion be and the same is hereby granted, and that the said rule granted the 6th day of August A.D. 1838 be and the same is hereby discharged —

Jr. M. Ch. Jno. Taney. —

Saturday January 26th 1839. Continued

Ex parte:- In the matter of Duncan N. Kenner.	On petition for a mandamus to the Hon'ble Edward Kinsley and Philip K. Laurence, Judges of the Circuit Court of the United States for the Eastern District of Louisiana.-

On consideration of the motion made by Mr Eustis on a prior day of the present term of this Court, to wit, On Saturday the 19th inst and of the arguments of Counsel thereupon had as well in support of as against the motion. It is now here considered and ordered by this court that the said motion be and the same is hereby granted, and that the rule granted the 5th day of August A.D. 1838 be and the same is hereby discharged.- Jos. Mc Dr. Lea Judge.-

Lessee of Samuel Reed 30. vs. Joseph Ex. William Mark	The motion made by Mr. Winston on a prior day of the present term of this court, to wit, on Saturday the 19th inst. was argued by Mr. Winston in support of the motion and opposed by Mr. Mason. Whereupon the Court not being now here sufficiently advised of and concerning what judgment to render in the premises- It is now here ordered by the court that the consideration

Saturday January 26th 1839. Continued.—

of the said motion be and the same is hereby postponed for the present.—

Ex parte: In the matter of Myra Clark Whitney — vs — Richard Relf & al —	On petition for a mandamus or for a rule to show cause why such writ should not issue requiring the Circuit Court of the 9th Judicial Circuit of the United States for the Eastern District of Louisiana and the Judges thereof respectively, to proceed with a certain suit of Equity in said Court depending, wherein said Myra C. Whitney is complainant and Richard Relf & others are defendants, conformably to the rules of practice in suits of equity — Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises. It is now here ordered by the Court that the consideration of the said motion be and the same is hereby postponed for the present. —

Bank United States. — vs — Elizabeth Lee & al	The argument of this cause was concluded by Mr Sergeant for the appellant. —

Saturday January 26th 1839 Continued.

The United States. appts vs. " Moses E. Levy —	This cause was submitted to the consideration of the Court on the record by Mr. Attorney General of Counsel for the appellants. —
The United States. appts vs. Heirs of F. M. Arredondo —	This cause was submitted to the consideration of the Court on the record by Mr. Attorney General of Counsel for the appellants. —
The United States. appts vs. Heirs of F. M. Arredondo &c.	This cause was submitted to the consideration of the Court on the record by Mr. Attorney General of Counsel for the appellants. —
The United States. appts vs. William Drummond —	This cause was submitted to the consideration of the Court on the record by Mr. Attorney General of Counsel for the appellants —
The United States. appts vs. Marie Bergevin —	The argument of this cause was commenced by Mr Dent for the appellant, continued by Mr Coxe for the appellee and concluded by Mr. Attorney General for the appellant. —

Saturday January 20th 1839 Continued.-

Ex parte.
In the matter of
Duncan N. Kennon

On petition for a mandamus to the Hon'ble Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana requiring said Judge to restore the petitioner to the office of clerk of said Court.-

(Mr. Cope of counsel for the petitioner having filed his petition in writing now here moved the Court to award the United States writ of Mandamus to be directed to the Honorable Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana commanding him the said Judge that he forthwith restore the petitioner Duncan N. Kennon to his office of clerk of said District Court of the United States for the Eastern District of Louisiana Whereupon the Court not being now here sufficiently advised of and concerning what judgment to render in the premises.- It is now here ordered by the Court that the consideration of the said motion be and the same is hereby postponed for the present -

Saturday January 20th 1838. Continued -

Ex parte

In the matter of

Duncan N. Kenner

On petition for a mandamus to the Hon'ble John M'Kinley and Philip K. Laurence Judges of the Circuit Court of the United States for the Eastern District of Louisiana requiring said Judges to restore the petitioner to the office of Clerk of said Court. -

Mr. Carr of Counsel for the petitioner having filed his petition in writing now here moved the Court to award the United States writ of Mandamus to be directed to the Hon'ble John M'Kinley and Philip K. Laurence Judges of the Circuit Court of the United States for the Eastern District of Louisiana commanding them the said Judges that they forthwith restore the petitioner Duncan N. Kenner to his office of Clerk of said Circuit Court of the United States for the Eastern District of Louisiana - Whereupon the Court not being now here sufficiently advised of and concerning what judgment to render in the premises - It is now here ordered by the Court that the consideration of the said motion be and the same is hereby postponed for the present. -

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Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. -

Monday January 28th 1839.

Pursuant to Adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices -
	James M. Wayne	
	Philip P. Barbour	
	John Catron -	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On Motion first made to the Court in behalf by Mr. Crittenden - It is ordered that Wm. J. Van De Graaff Esquire of the State of Alabama be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. -

Monday January 28th 1839 Continued —

The Columbian Insurance Company of Alexandria. 31. Vs Fitzhugh & Ashby & Stribling Vs &

The argument of this cause was commenced by Mr E. J. Lee for the plaintiff in Error and continued by Mr Fr Jennes and Cox for the defendants in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday January 29th 1839.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron.	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf by Mr. Webster. It is ordered that Richard Fletcher Esqre of the State of Massachusetts be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly.

Tuesday January 29th 1839. Continued.

On motion Jas Brooke is the court on the behalf of Mr Rowe. It is ordered that Benjamin Bellow Jr Esquire of the State of Pennsylvania be admitted to practice as an Attorney & Counsellor of this Court and he was sworn accordingly. —

The Columbian Insurance Company of Alexandria 31. vs. Joseph & Ewbank & Whiting et al.	The argument of this cause was concluded by Mr Rowe for the Plaintiff in Error.
The United States ex rel &c 32. vs. Elizabeth Wiggins —	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that the cause be and the same is hereby dismissed with costs pursuant to the 30th rule of this Court.
Joseph & Andrews Jeffers 33. vs. Isaac W. Pond et al	The argument of this cause was commenced by Mr Daniel Webster for the Plaintiff in Error & continued by Mr Ogden for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday January 30th 1839.

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

On motion just made to the court in this behalf by Mr Grundy. It is ordered that Jesse C. Smith Esqre of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly —

Wednesday January 30th 1839 Continued.—

On motion first made to the Court in this behalf by Mr Ingersoll It is ordered that Charles J. Conrad Esquire of the State of Pennsylvania be admitted to practise as an Attorney and Counsellor of this court and he was sworn accordingly.—

On Motion first made to the court in this behalf by Mr Ogden. It is ordered that John M. Thomas Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this court and he was sworn accordingly.—

Joseph A. Marcus pltff in Er. vs Isaac W. Pond def.	The argument of this cause was conducted by Mr Webster for the plaintiff in Error.—
The Bank of Augusta vs Joseph B. Earle	The argument of this cause was commenced by Mr Ogden for the plaintiff in Error and continued by Mr Ingersoll for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Thursday January 31st 1839. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present —

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices. —
	Philip P. Barbour	
	John Catron	
	John McKinley —	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk. —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr. Sandford. It is ordered that Clement Cox Esquire of the District of Columbia be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Thursday January 31st 1839 Continued -

The Bank of Augusta & others vs Joseph B Earle — — —	The argument of this cause was continued by Mr Ingersoll for the defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 1st 1839. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices. —
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened

On motion first made to the Court in the behalf of Mr Webster. It is ordered that A. Warren Paine and Harrison G. O. Colby Esquires of the State of Massachusetts, and Joseph P. Randolph Esquire of the State of New Jersey be admitted to practice as Attorneys & Counsellors of this Court and they were severally sworn accordingly. —

Friday February 1st 1839 Continued. —

On motion first made to the Court in the behalf of Mr Key. It is ordered that William Pebley and George W. Brown Esquires of the State of Maryland be admitted to practice as Attorneys & Counsellors of this Court and they were severally sworn accordingly. —

The Bank of Augusta & Griffith 34 vs Joseph B. Earle. —	The argument of the cause was concluded by Mr Ogden for the Plaintiff in Error. —
The New Orleans & Carrollton Rail Road Company. 37 vs Griffith & Co Joseph B. Earle. —	This cause was submitted to the Consideration of the Court on the record by Mr Ogden of Counsel for the Plaintiff in Error and by Mr Sergeant in behalf of the Defendant in Error. —
Bank United States 35 vs Griffith & Co. William L. Prentice.	The argument of this cause was commenced by Mr Sergeant for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 2d 1839.

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices –
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal –

William Thomas Carroll Clerk –

Proclamation being made the Court is opened.

Ex parte:

In the matter of

Duncan N. Kenner.

On petition for a mandamus to the Honble Philip K. Lawrence Judge of the District Court of the United States for the Eastern District of Louisiana requiring him & George to restore the petitioner to the office of Clerk of the said Court –

The argument of this motion was commenced

Saturday February 2d 1839 Continued.

by Mr Cook in support of the same and contested by Mr Griffin in opposition thereto.

Joseph Evans admr of Thomas Evans dec'd Plff in Er
vs
Sterling &c Deft

In Error to the Circuit Court of the United States for the Southern District of Alabama.

Mr Ray of Counsel for the Plaintiff in Error having filed and read in open Court the following Suggestion in writing to wit. That it is stated in the bill of Exceptions that the Plaintiff read the Execution bond and affidavit but that the said affidavit is omitted and no where to be found in the record. By reason of which omissions and errors aforesaid the said counsel now here moved the court to award a writ of certiorari to be directed to the Judges of the said Circuit Court commanding them that searching the records and proceedings of the said Circuit Court in this cause they shall certify to this court under the seal of said Circuit Court whatever omissions and errors shall be found.

On consideration whereof it is now here ordered and adjudged by this court that a writ of certiorari be issued the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of said Court whatever omissions and errors shall be

Saturday February 2d 1839 Continued. -

found in this cause and return the same with the
said writ of certiorari forthwith to this Court: And
it is further ordered by the Court that the cause
be and the same is hereby continued to the next
term of this Court. -

Proclamation being) made the Court is adjourned
until Monday Morning at eleven o'clock. -

Monday February 4th 1839.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices. —
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

Ex parte: In the matter of Duncan N. Kenner —	On petition for a mandamus to the Honble Philip K. Lawrence Judge of the District Court of the United States for the Eastern District of Louisiana, requiring said Judge to restore the petitioner to the office of Clerk of the said Court. — The argument of this cause was continued by Messrs Gilpin & Jones against the motion —

Tuesday February 5th 1839 –

Pursuant to adjournment the court met this morning at the Capitol –

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin } Associate
James M. Wayne } Justices
Philip P. Barbour
John Catron
John McKinley –

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the court is opened –

William K. Smith appt
v.
Guy Richards. –

On appeal from the Circuit Court of the United States for the Southern District of New York –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued

Tuesday February 5th 1839 Continued

by Counsel. On Consideration Whereof, It is adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs — Ch. Mr Chs: Barbour. — (Justices Story, McLean and Baldwin dissenting) —

William Wallace Biffin &c vs. Corry McConnell —	In Error to the District Court of the United States for the Southern District of Alabama. —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel — On Consideration Whereof, It is ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum — Ch. Mr Chs: Thomas. —

Lessee of Samuel Reed — &c. vs. Biffin &c. William Marsh —	In Error to the Supreme Court of the State of Ohio in and for the County of Scioto —

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio in and for the county of Scioto and was

Tuesday February 5th 1839. Continued. —

argued by counsel. On consideration whereof, It is ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for want of jurisdiction.

Wm. W. Ch. for Taney. —

The Columbian Insurance Company of Alexandria vs. Wm. Turner Ashby & Magnus T. Stribling having made the firm of Ashby & Stribling and Peter Hamill. —

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel. On consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

Jo. M. Ins. Story. —

Tuesday February 5th 1839 Continued

Ex parte: In the Matter of Duncan K. Kenner

On a petition for a mandamus to the Hon'ble Philip K. Lawrence Judge of the District Court of the United States for the Eastern District of Louisiana requiring said Judge to restore the petitioner to the office of Clerk of the said Court.-

The argument of this cause was continued by Mr Innes against the motion.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.-

Wednesday February 6th 1839

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
—	Joseph Story	
	Smith Thompson	
	John McLean	
Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
—	John Catron	
—	John McKinley.	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

William Pope & Henry King	In Error to the Circuit
vs.	Court of the United
James P. Duval, Surviving	States for the Eastern
& John Reinhard	District of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District

Wednesday February 6th 1839 Continued

of Virginia and Messrs Key & Swann for the Defendant in Error whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice and the opinion of this Court. — Jr. M. Mr. McLean. —

Ex parte: In the Matter of Duncan K. Kennon.	On petition for a Mandamus to the Hon'ble Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana requiring said Judge to restore the petitioner to the office of Clerk of said Court. —

The argument of this cause was concluded by Mr Southard in support of the motion. —

Bank United States —	The argument of this cause
35. vs.	was continued by Mr Sergeant
William L. Primrose	for the Plaintiff in Error. —

On Wednesday being, it was the Court is adjourned until tomorrow, morning at eleven o'clock. —

Thursday February 7th 1839.—

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate
James M. Wayne Justices
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Saml Jones. It is ordered that Henry M. Morfit Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday February 7th 1839. Continued

George Runyan pltff in Error vs. Lessee of John G. Coster et al	On motion of Mr Ingersoll of counsel for the plaintiff in Error and by consent of Mr Sergeant of counsel for the defendant in Error. It is ordered by the Court that when this cause is called it shall be postponed to the foot of the docket. –
Frank Hinkle Pltff in Error vs. William L. Penrose	The argument of this cause was continued by Mr Sergeant for the plaintiff in Error. –

On proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. –

Friday February 8th 1839.

Pursuant to appointment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices
	James M Wayne	
	Philip P Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

William McElroy for the use of Isaac T Bailey

vs.

John S Cohen admr of Troy Florence dec'd

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court

Friday February 8th 1839 Continued.

of the United States for the District of Georgia and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On Consideration whereof, It is the opinion of this Court. First that the Statute of Limitations of Georgia can be pleaded to an action in that State founded upon a judgment rendered in the State of South Carolina. And Secondly, that in the administration of assets in Georgia, a judgment rendered in South Carolina upon a promissory note against the intestate when no suit should not be paid in preference to simple contract debts. Whereupon it is ordered and adjudged by this Court that it be so certified to the said Circuit Court. Jos. M. Hs. McLean.—

John F. Thein Plff in Er
vs.
William Bowman Def

In Error to the District Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof, It is ordered and adjudged by this Court that

Friday February 8th 1839 Continued.

the judgment of the said District Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein in conformity to law and justice and the opinion of this Court. -

Jos. M. Hs. McLean. -

Bank United States vs. Jeffris et. William L. Pumroy	The argument of this cause was continued by Mr. Van de Graaff & Ingersoll for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow Morning at eleven Oclock. -

Saturday February 9th 1839.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice -

	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon[ble]	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal -

William Thomas Carroll Clerk. -

Proclamation having been made the Court was opened

The United States Appellants
vs
Andrew Burgevin. Appellee

On appeal from the Superior Court for the District of East Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel On consideration whereof, It is the opinion

Saturday February 9th 1839. Continued.

of this Court that the petitioner having failed to fulfil the condition of the grant that the said grant or concession is null and void and that the said petitioner has no right or title to the land. Whereupon it is now here decreed and ordered by this Court that the decree of the said Superior Court in this cause be and the same is hereby reversed and annulled; and that this cause be and the same is hereby remanded to the said Superior Court with directions to enter a decree in conformity to the opinion of this Court. — P. V. Daniel Wayne.

The United States appellants
vs
William Drummond

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel On Consideration whereof It is the opinion of this Court that the petitioner having failed to fulfil the condition of the grant that the said grant or concession is null and void, and that the said petitioner has no right or title to the land. Whereupon it is now here decreed and ordered by this Court that the decree of the said Superior Court in

Saturday February 9th 1839 Continued

this cause be and the same is hereby reversed and annulled; and that this cause be and the same is hereby remanded to the said Superior Court with directions to enter a decree in conformity to the opinion of this Court.

Pr. Mr Jus. Wayne. —

The United States. appellt
25. vs
Moses E. Levy. —

On appeal from the Superior Court for the District of East Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by counsel. On consideration whereof, It is adjudged and decreed by this court that the decree of the said Superior Court in this cause be and the same is hereby in all respects affirmed — Pr. Mr Jus. Wayne. —

The United States. appellt
20. vs
Augustin Fromy Arednds Tommy et Arednds Luther Arednds Theresa Arednds Marie Manuella Arednds Rosa Arednds and others heirs of Fernando de la Maza Arredondo, &c.

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court from the Superior Court for the District of East Florida

Saturday February 9th 1839 Continued. –

and was argued by Counsel. On Consideration whereof It is Ordered and decreed by this Court that the decree of the said Superior Court in this cause confirming fifteen thousand acres of land to the petitioners be and the same is hereby in all respects affirmed. – Js. M. Jno. Wayne. –

John P. Van Ness. vs. Ths. Blanchard & Stephen Hyatt. –	Mr Key of Counsel for the appellee moved the Court to dismiss this appeal for the want of jurisdiction in the ground that it does not appear that the matter in dispute is of the value of one thousand dollars. Whereupon this Court not being now sufficiently advised of and concerning what judgment to render in the premises. It is ordered by the Court that the consideration of the said motion be and the same is hereby postponed for the present. –

James W. Roper vs. Theodore L. Mosby & Wife & al. & Elmer Coleman & Agnes Howard. –	In Error to the Circuit Court of the United States for the Southern District of Alabama. – Mr Van de Graaff of counsel for the defendants in Error

Saturday February 9th 1839 Continued

having filed and read in open Court a certificate in the words and figures following, to wit: —

"Circuit Court United States for the South Judicial Circuit Southern District of Alabama —

Holman & Howard	Declaration in Ejectment filed Novem. 25th 1836
vs	Rec.d by Marshal and Served Dec.r 5th 1836 -
Roper & Moody	damages laid at Thirty thousand Dollars

Verdict of the Jury, viz: "We the Jury find the defendants guilty in manner and form as charged 25th April 1838 - John Howard Foreman - Whereupon also came the following Jury, that is to say Charles Smith & W. Tomlinson, & C. Lines Robert Brodnax, Hardy Hubbard, H. Kinney Thomas Lee, Benj.a Bowman, Wm Colbert, Alfred G. Barnard & Adam C. Hollinger, lawful good and lawful men who being elected, tried and sworn, upon their oath do say, that the said James W. Roper and Theodore L. Moody are guilty of unlawfully withholding the said within described premises from the said Agnes Howard and Oliver Holman and that the said Oliver and Agnes are well entitled to hold the same in fee - It is therefore considered by the Court that the said Oliver Holman and Agnes Howard, plaintiffs do recover of and from the said James W. Roper and Theodore L. Moody defendants the possession of the aforesaid premises according to the verdict of the jury

Saturday February 9th 1839 Continued

expended, and also their costs and charges in this behalf expended - On motion of the plaintiffs. It is ordered by the court that a writ of petition issue

I David Files Clerk of the Circuit Court of the United States for the South District and Southern District of Alabama do hereby certify that the above is a true and correct Statement from the records of said Court in my office, and that a writ of error was issued 17th May 1838. -

'In testimony whereof I have hereunto set my hand and affixed the Seal of said Circuit Court this ninth day of January in the year of our Lord One thousand eight hundred and thirty nine. - David Files. Clk. S. Dist. Ala.'

and having stated that the plaintiffs in error had altogether failed to file the record of said cause in this Court or in any way to prosecute said writ of error now here moved the Court in pursuance of the thirtieth rule of this Court to have the writ of error dismissed. On consideration whereof it is therefore ordered and adjudged by this court that the writ of error be and the same is hereby docketed and dismissed with costs and that this cause be

Saturday February 9th 1839 Continued

and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said writ of error notwithstanding -

Wm. M. Ch. his Judge. --

Bank United States Pff in Er. vs. William C. Monroe -	the argument of this cause was concluded by Mr Webster for the Plaintiff in error. -
Richard L. Watkins Pff in Er. vs. Oliver Holman Defd	On motion of Mr Ogden of counsel for the plaintiff in error and by consent of Mr Van de Graaff of counsel for the defendant in error It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. -
Eustacius Bentzon Pff in Er. vs. Oliver Holman Defd	On motion of Mr Ogden of counsel for the plaintiff in error and by consent of Mr Van de Graaff of counsel for the defendant in error - It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. -

Saturday February 9th 1839. Continued.

Sylvester L. Fowler. Plff in Err vs Curtis Brantly &c.	This cause was argued by W. Ogden for the Plaintiff in Error.
The United States. Appellt vs John Foreman &c.	On motion of Mr. Attorney General of counsel for the appellant. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.
The United States. Appellt vs Joseph L. Stephens &c.	On motion of Mr. Attorney General of counsel for the appellant. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.
The United States. Appellt vs Gouverneur Wilkinson &c.	On motion of Mr. Attorney General of counsel for the appellant. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.

Saturday February 9th 1839 Continued.

The United States appellants 43. vs John Forbes claimt	On motion of Mr Attorney General of counsel for the appellant. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

The United States appellants 44. vs Joseph Delespine	On motion of Mr Attorney General of counsel for the appellant. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Proclamation being made the court is adjourned until Monday morning at eleven oclock

Monday February 11th 1839

Pursuant to Adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice.

	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk. —

Proclamation being made the Court is opened —

The President Directors & Company of the Bank of the United States.	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.
vs.	
Elizabeth Lee, Edmund I. Lee and Richard Smith.	

This cause came on to be heard on the transcript of

Monday February 11th 1839 Continued.

The record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel On Consideration Whereof. It is decreed and ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Present Mr. Chief Justice Taney — Mr. Justice Baldwin dissenting /

Mary James' Exrs. Plffs in Er vs Ann R. Dermott —	The argument of this cause was Commenced by Mr. Key for the plaintiffs in Error and continued by Mr. Coburn for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 12th 1839.—

Pursuant to Adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story—
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices.
Philip P. Barbour
John Catron
John McKinley—

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Key— It is ordered that R. & L. Monroe Esquires of the Bar of England be admitted & practice as Attorney and Counsellor of this Court and they are accordingly—

Tuesday February 12th 1839 Continued

Mary James Exx &c. Plff in Er vs. To Jno R. Cermall —	The argument of this cause was continued by Mr. Jones for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 13th 1839.—

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon.ble Henry Baldwin } A present
James M. Wayne } Justices—
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Joseph L Stevens & al Appellants	In Error to the Circuit
33. vs	Court of the United
Isaac C. Pond Thomas Conover	States for the Southern
and Francis Wadsworth	District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of

Wednesday February 13th 1839. Continued. —

Alabama and was argued by counsel. On consideration whereof. It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — ... ... Pr. Mr. Ch. Jus. Taney —

Mary Lamar Exrx. &c. Appellee vs. Ann R. Germell —	The argument of this cause was concluded by Mr. Monroe for the plaintiffs in Error.
Charles King — Appellee vs. George King. —	The argument of this cause was commenced by Mr. Clement Cox for the appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday February 14th 1839.—

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Sylvester L. Sowles Jr. Plff in Er	This cause was submitted
&c vs	to the consideration of
Harris Brantly & al	the Court on the record
	and printed argument

by Mr. Van de Graaff of counsel for the defendants in Error.—

Thursday February 14th 1839 Continued

Charles King. appl^{t} - 46. vs George King's Exrs -	The argument of this cause was continued by Mr Cox for the appellees and concluded by Mr Clement Cox for the appellant. —
Exrs of Ambrose Walden. 47. vs Griffin & others Craig's Exrs dec^{d}	On motion of Mr Crittenden of counsel for the defendants in Error. It is ordered by the court that this cause be and the same is hereby continued to the next term of this court.
Exrs of Ambrose Walden 48 vs Griffin & others Craig's Exrs dec^{d}	On motion of Mr Crittenden of counsel for the defendants in Error. It is ordered by the court that this cause be and the same is hereby continued to the next term of this court.
Ambrose Walden - appl^{t} 49. vs Henry L. Bosley dec^{d}	On motion of Mr Crittenden of counsel for the Appellees. It is ordered by the court that this cause be and the same is hereby continued to the next term of this court. -

Thursday February 14th 1839 Continued –

Case Reported Lemuel Pyffus vs. George W. Broderick	This cause was argued by Mr Coxe for the defendant in Error and submitted to the consideration of the Court on printed argument by Mr Allen for the Plaintiff in Error
Elijah Simpson Lemuel Pyffus vs. George W. Broderick	This cause was argued by Mr Coxe for the defendant in Error and submitted to the consideration of the Court on printed argument by Mr Allen for the plaintiff in Error
John McCune Lemuel Pyffus vs. George W. Broderick	This cause was argued by Mr Coxe for the defendant in Error and submitted to the consideration of the Court on printed argument by Mr Allen for the plaintiff in Error
William A. Bradley Appellant vs. The Washington Alexandria and George Town Steamboat Co	The argument of this cause was commenced by Mr Bradley for the plaintiff in Error continued by Mr Coxe for the defendant in Error & concluded by Mr Key for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow

Friday. February 15th 1839.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

The Ocean Ins. Co. Company vs William Patton	The argument of this cause was commenced by Mr Fletcher for the plaintiff in Error, continued by Mr Webster for the defendant in Error and concluded by Mr Fletcher for the plaintiff in Error. -

Friday February 15th 1839 Continued

Bank of the State of [illegible] vs. [illegible] Ernestus Gutschlick	On motion of Mr. Coxe of Counsel for the plaintiff in Error and by consent of Mr. Bradley of Counsel for the defendant in Error. It is ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.
Bank of the United States vs. appt Geo. W. Peter —	The argument of this cause was commenced by Mr. Coxe for the appellant —

Proclamation being made the Court adjourned until tomorrow morning at eleven Oclock. —

4060.

Saturday February 16th 1839.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Stephen Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the court is open.

Francis West vs Pltff in Error	Mr Sargent of counsel for the appellants having
&c. vs	stated to the court that
Walter Bushee	the appellants had lodged

the transcript of the record of this cause with the clerk of this court sometime in the month of January in the year 1838 more than a twelve month since

Saturday February 15th 1839 Continued.—

but had not been able to obtain the fee bond & the clerk required by the 37th rule of this court entered since this appeal has been at the present term of this court docketed and dismissed, but that the appellant was now prepared to give the usual fee bond and to have the record filed and docketed now here moved the court to strike out and rescind the order entered in this case on the 19th day of the present term of the court and for leave to file the record and docket the cause; which was opposed by Mr Cullman of counsel for the appellee who stated that at the last term of this court he applied to have this appeal docketed and dismissed on the transcript of the record lodged with the clerk by the appellant, which the court refused until he produced the certificate required by the 30th rule of the court, and when he has obtained the necessary certificate and thereon the appeal had been regularly docketed and dismissed with costs. Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises, doth time to consider.—

Saturday February 16th 1839 Continued -

Colin Mitchel mt appellt vs. The United States —	On motion of Mr Bynum of Counsel for the appellants and consent of Mr Attorney General for the appellees,

It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court -

John Hunter Platt appellt vs. Cooper et. al. Petrs	the argument of this cause was continued by Mr Cooper for the appellant Mr King for the appellees and concluded by Mr Leigh for the appellant. —

Sylvester L. Fowler & Griffin &c vs. Horace Brandy &al —	It is ordered by the Court that this cause be held under advisement, and that the same be and hereby is continued to the next term of this court. —

A. P. LeBretons adms &c Griffin &c. vs. John H. Duffy —	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that

this cause be and the same is hereby postponed to the first day of the next term of this Court. —

Saturday February 16th 1839 Continued

Lucien Maybury appt vs John McBrien vale	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the first day of the docket under the 30th rule of this Court.

W. & J. Brown Mc. Jeffrin &c. vs Thomas McGran	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that the cause be and the same is hereby postponed to the first of the docket under the 30th rule of this Court.

Benjamin Hoy. appt vs Louisa Livingston Extx of Edward Livingston	On appeal from the Circuit Court of the United States for the Eastern District of Louisiana Mr Jones of Counsel for the appellant now here moved the Court to dismiss this appeal. On consideration whereof, It is now here adjudged and decreed by this Court that this appeal from the Circuit Court of the United States for the Eastern District of

Saturday February 16th 1839 Continued

Washington Bridge Co appt vs. In Appeal William Stewart et al	On motion of Mr Crane of counsel for the appellee it is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. —
George Rangen Appellee vs. In Lessee of John G Coster et al	On motion of Mr Rogers of counsel for the plaintiff in error and by consent of Mr Sergeant of counsel for the defendant in error. It is now here ordered by the Court that the cause be and the same is hereby postponed to the foot of the docket. —
John Lupton. appt vs. In Lewis Lupton et ux	The argument of this cause was commenced by Mr Semmes for the appellant. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock —

Monday February 18th 1839.—

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Benjamin Story - Appl vs Edward Livingston & al	Mr. Jones of counsel for the appellant now here moved the court to strike out the mandate and decree of this court entered in the case of the present term of this court / viz. on Saturday the 15th / discharging the appellant with costs and to

Monday February 18th 1839 Continued

to restate the same on the docket of this court which was objected by Mr. Key one of counsel for the appellee. On consideration whereof, and of the arguments of counsel thereupon had as well in support of as against the motion. It is now here ordered by this court that the said order and decree of the 16th instant be and the same is hereby rescinded and that this cause be and the same is hereby restated on the docket of this court, provided that the said counsel proceed forthwith to the argument of the case —

Pr. Mr. Justice Story —

Ann Lipton. appt vs Edward Lipton Exr	The argument of this cause was continued by Mr. Semmes for the appellant and by Mr. Jones for the appellee and concluded by Mr. Semmes for the appellant. —
Benjamin Levy. appt vs Edward Livingston Exr	The argument of this cause was commenced by Mr. Crittenden for the appellant.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Tuesday February 19th 1839.—

pursuant to [illegible] at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Absent
	James M. Wayne	Absent
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqr Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Cullom. It is ordered that A. F. Hunter and Geo. W. Crabb Esquires of the State of Alabama be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn as such.

Tuesday February 11th 1839 Continued.

Francis West Val. Appltt vs. " Walter Brashear	On Consideration of the motion made in this cause on a prior day of the present term of this Court, viz. on Saturday the 16th instant and of the arguments of Counsel thereupon had as well in support of as against the motion. It is now here ordered by the Court that said motion be and the same is hereby granted, that said order be and the same is hereby rescinded and annulled, and that the appellants have leave to docket this appeal, upon the payment of the costs in this cause and filing the usual fee bond.

Benjamin Story Appltt vs. " Edward Livingston &c	The argument of this cause was continued by Mr Coleman for the appellant, by Mr Butler & Mr Eaton for the appellees and concluded by Mr Key for the appellant.

Thomas P. Moore Appellant vs. " Bank of the Metropolis	The argument of this cause was commenced by Mr R. J. Brent for the Pltff in Error.

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

Wednesday February 20th 1839.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John M'Lean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John M'Kinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the court in this behalf by Mr Johnson - It is ordered that S. Nevitt Steele Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly. —

Wednesday February 20th 1839 Continued

William H. Bradley Appellant
vs.
The Washington Alexandria and Georgetown Steam Packet Company

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

Jr. W. Chs. Barbour.

Justices Catron Thompson & King dissenting.

Mr Justice McLean having been sick for some days did not sit in this cause.

John S. Van Ness Appellant
vs.
Stephen Cycle.

On consideration of the motion made in this cause on the 2nd inst. to dismiss the appeal for the want of jurisdiction in this court, it is by this court ordered. It is now here ordered by the Court that the said motion be

Wednesday February 20th 1839. Columbia.

The United States pff
vs.
James G. Hardyman

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Eastern District of Virginia.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel. On consideration whereof, It is the opinion of this court

1st That the Treasury notes issued by authority of the act of Congress passed on the 12th day of October in the year 1837, are promissory notes within the meaning of the act of Congress approved the 3d day of March 1823 under which the prisoner is indicted, and that there is sufficient averment in the indictment in this cause of the pleading and receiving of such Treasury notes.—

2d That the letter "K" which appears upon the face of the note offered as evidence is a material part of the description of such note — and

Wednesday February 20th 1839 Continued.

3d. That it would be proper to receive parol evidence for the purpose of explaining the meaning of the said letter M. and proving the practice and usage of the Treasury Department and officers of the Government & of this Court in receiving of similar Treasury notes, in order to show thereby the meaning intended to be attached and actually attached to the said letter M. by the Treasury Department and others, and that by such meaning the said Treasury note bears one mill per centum interest and not one per centum interest.— Whereupon it is ordered and adjudged that it be so entered in the said Circuit Court.— By Mr. Justice McLean.—

Thomas P. Moore, Plaintiff in Error vs. Bank of the Metropolis	The argument of this cause was continued by Mr. Coyle for the defendant in Error and concluded by Mr. Brent for the Plaintiff in Error.—
William B. Todd, Plaintiff in Error vs. James W. Wilmot	This cause was submitted to the consideration of the Court on the record by Mr. Wilson of counsel for the defendant in Error.—

Wednesday February 20th 1839. Continued.

Thomas W. Butler. appellt vs. William L. Smith & al	On motion of Mr Nelson of counsel for the appellee It is ordered that this cause be submitted to the Court on the record and that either party have leave to submit printed arguments.

William Clark. appellt vs. Thomas Smith	On motion of Mr Crittenden of counsel for the appellant It is ordered that this cause be submitted to the Court on the record and that either party have leave to submit printed arguments.

Silas Walker appellt vs. George Parker & al	The argument of this cause was commenced by Mr R. S. Brent for the appellant, continued by Mr Bradley for the appellees and concluded by Mr Key for the appellant.

William B. Bond. appellt vs. Jesse Hoyt (N. S.)	The argument of this cause was commenced by Mr Attorney General for the defendant.

Wednesday February 20th 1839 Continued

Merit Martin &c. vs. Effin &c & Legee of Wm C. H. Waddell	On motion of Mr. Wall of counsel for the plaintiffs in error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this court. —

Ex parte: In the Matter of Lunean N. Heinen.	On petition for a mandamus to the Honorable Philip K. Laurence Judge of the District Court of the United States for the Eastern District of Louisiana requiring said Judge to issue the petitioner the office of Clerk of the said Court. —

On consideration of the motion and of the argument of counsel thereupon had as well in support of as against the motion. It is now here considered ordered and adjudged by this Court that the said motion be and the same is hereby overruled and that the mandamus or rule prayed for be and the same is hereby denied. —

Jos. Hall Mr. Thompson. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday February 21st 1839 —

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices —
	Philip P. Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

On motion first made to the court in the behalf of Mr Grundy it is ordered that George W. Lewis Esqr of the State of Georgia be admitted a practitioner in an Attorney and Counsellor of this court and he was sworn accordingly. —

Thursday February 21st 1839 Continued

The Ocean Insurance Company Def. & Plff in Er. vs. William Pelley ———	In Error to the Supreme Judicial Court of the State of Maine holden at Portland, in and for the County of Cumberland, in said State. —

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court of the State of Maine holden at Portland, in and for the County of Cumberland, in said State and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this court that this writ of error be and the same is hereby dismissed for the want of jurisdiction.

Jr. W. Van Ness.

William B. Bond Plff in Error vs. Asa Cook, Def. in Error. ———	The argument of this cause was continued by Mr Attorney General for the defendant, & Mess. Boyd & Raymond for the plaintiff and concluded by Mr Attorney General for the defendant. —

Thursday February 21st 1839. Continued —

Samuel Hardy Jr Pltff vs. Isaac Hoyt Deft. (not found) —	This cause was ordered to the consideration of the Court on the record by Mr Attorney General in behalf of the defendant and by Messrs Cox and Raymond for the Plaintiff —
Burrington Anthony Pltff in Er vs. Cyrus Butler —	It is now here ordered by the Court that this cause stand open with leave to the Counsel to submit the same on printed arguments
Downer & Co Pltffs — vs. Edward B. Church —	It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court under the 43rd rule of the Court
Francis Westfall Apltt vs. Miller Bushnell —	It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court under the 43rd rule of this Court —

Thursday February 21st 1839 Continued.

Thomas H Cammack's admr &c vs George Washington Exrs	On motion of Mr Coxe of Counsel for the appellants It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Mayor of the Corporation of the City of Washington vs William Lemon &al	On motion of Mr Coxe of Counsel for the Plaintiffs It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Notice to the Bar

In pursuance of the rule requiring ten days previous notice being given of the time of the adjournment and also with a view to enable the Bar at an early period to have an opportunity of preparing the remaining causes for argument, the Court on this day gave notice that the adjournment would take place on Monday the eleventh day of March, and that arguments would be heard until Saturday the ninth day of March.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday February 22d 1839.—

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.—

Proclamation being made the court is opened —

On motion first made to the court in this behalf by Mr. Key. It is ordered that James Lyons Esquire of the State of Virginia be admitted to practise as an attorney and counsellor of this Court and he was sworn accordingly. —

Friday February 22d 1839. Continued.

Ann Fenton appt vs. To Thomas Janney acting Executor of David Fenton dec'd	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel — On consideration whereof, It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Jos. Mc Lean. Story. —

John P. Van Ness appt vs. To Alpheus Cyatt —	The argument of this cause was commenced by Mr Coban for the appellant, continued by Mr Key for the appellee and concluded by Mr Coxe for the appellant —
Heirs of Margaret Lattimer dec'd vs. To Jeffries William Polk —	The argument of this cause was commenced by Mr Coxe for the plaintiffs in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 23d 1839. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley —	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster It is ordered that Francis H. Upton Esquire of the State of Maine be admitted to practice as an attorney and Counsellor of this Court and he may proceed accordingly. —

Saturday February 23d 1839 Continued.

Mr Mclean first made the Court in this behalf by Mr Grundy. It was moved that Thomas B. Noble Esquire of the State of Virginia be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly.—

Charles King - appellt vs. Alexander Calhoun, admor of Doris Thompson dec'd. & al. heirs at law of George King. dec'd	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof. It is adjudged and decreed by this court that so much of the decree of the said Circuit Court in this cause as allowed the administrator of Thompson to come in with the general creditors of King & receive a dividend founded on his claim be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this court.— Js. M. Jno. Catron.—

Saturday February 23d 1839. Continued.

William R. Smith ap[pe]l[an]t
vs
Guy Richards

Mr Webster having filed and read in open Court certain reasons in writing for a rearguement now here moved the court for said reasons to reargue said cause, which was supported by Mr Bell. Whereupon this court not being now here sufficiently advised of and concerning what order to take in the premises took time to consider.

Ex parte Jeremiah G. Hamilton
In the matter of Steph[e]n Cargo.
vs
Jeremiah G. Hamilton.

On petition for a mandamus to the Circuit Court of the United States for the Southern District of New York.

Mr Cox of counsel for the petitioner Jeremiah G. Hamilton, now here moved the Court to award the writ of Mandamus to be directed to the Circuit Court of the United States for the Southern District of New York, commanding said court that it vacate and annul the order for amending the verdict rendered by the jury in the above entitled case, which order was entered on the minutes of said Court on the 11th day of December A. D. 1838, and that it vacate and annul the said judgment so entered on said substituted verdict.

Saturday February 23d 1839 Continued

On consideration whereof, and of the arguments of Counsel thereupon had, It is now here ordered and adjudged by this court that the mandamus prayed for be and the same is hereby denied and that the said motion be and the same is hereby overruled. —

Jos. M.c Clr. Sup. Court. —

In the matter of the Application of the District Attorney of the District of New York in the matter of The United States

vs.

Two Packages of Thread Worsted & other articles. —

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motion for a mandamus to the District Judge of the United States for the Southern District of New York. —

Mr. Attorney General now here moved this court for a writ of mandamus to be directed to the District Judge of the United States for the Southern District of New York commanding him —

1st To vacate the order entered in the said District Court on the 8th day of January instant denying the motion of the above named relator, referred to in the affidavit and

2nd To grant the prayer of said motion or so much thereof and in such form as this court shall adjudge and direct. which was supported by Mr Griffin of Counsel for the Collector and opposed by Mr Wright on behalf of the United States Marshal for said

Saturday February 23d 1839 Continued.—

district whereupon the court not being now fully sufficiently advised of and concerning what judgment to render in the premises took time to consider.—

Ex parte In the matter of Myra Clark Whitney vs Richard Relf &c.—	On petition for a mandamus or for a rule to show cause why said writ should not issue requiring the Judges of the ninth Judicial Circuit in and for the District of East Louisiana to proceed in this cause according to the rules of equity—

Mr Jones proceeded to argue in support of the motion made by him on a prior day of the present term of this court and on Saturday the 26th of January in this cause. Whereupon the Court took time to consider.—

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.—

Monday February 25th 1839.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices.
Phelps P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

John Walker appellant &c. vs George Rutter & John Sophia his wife Jane Walker Ralph Peck and Sophia his wife	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit

Monday February 25th 1839. Continued.—

Court of the United States for the District of Columbia holden in and for the County of Washington and argued by Counsel on consideration whereof it is adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

Jr. M. Mr. Lean.

Lefevre of Margaret Selmour et al
v.
Mr. Elliott et al

The argument of this cause was continued by Mr. Key for the Plaintiff in Error and by Mr. Webster for the Defendant in Error.

Proclamation being made the Court is adjourned until Tomorrow morning at 11 o'clock.

Tuesday February 28th 1837.—

pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Court	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

On motion first made to the court on the behalf of Mr Clay it is ordered that John C. Sargent Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Tuesday February 26th 1839. Continued

The President Directors & Company of the Bank of the United States vs. Appl George W. Peter	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On consideration whereof. It is adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this court. Jos. M. Harrison Clerk.

William H. Smith - appl vs. Guy Richards	On consideration of the motion made in this cause by Mr Appl Wells & Webster on Saturday last the 23d inst for a reargument. It is now here ordered by this court that the same motion be and the same is hereby overruled.

Tuesday February 20th 1839 Continued.

Joseph Tyrel. Jeffers vs Ambrose Harvey	In Error to the Superior Court of Lee County in the State of Georgia.

This cause coming on to be heard and argued by Counsel on the Transcript of the record and the argument of Counsel for the Plaintiff in Error, it is now here considered ordered and adjudged by this Court that this writ of Error to the Superior Court of the County of Lee in the State of Georgia be and the same is hereby dismissed with costs. — Jos. M. Ch. Rs. Taney. —

Thomas Pope Mc Morgan vs The State of Georgia	In Error to the Superior Court of Lee County in the State of Georgia.

This cause coming on to be heard and argued by Counsel on the Transcript of the record and the argument of Counsel for the Plaintiff in Error, it is now here considered ordered and adjudged by this Court that this writ of Error to the Superior Court of Lee County in the State of Georgia be and the same is hereby dismissed with costs

Jos. M. Ch. Rs. Taney. —

Sarah Margaret Palmer Exx vs William Pabst	The argument of this cause was continued by Mr. Webster for the defendant in Error and concluded by Mr. Coxe for the Plaintiff in Error. —

Tuesday February 20th 1839 Continued. —

Peter of Margaret Latimer et al v. Jeff in Error and Unreported	his cause having been called for argument and counsel not being ready. It is now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 30th rule of this court. —

William S Cook Jeff in Er vs John L Moffat et al	On motion of Mr Johnson of Counsel for the plaintiff in Error - It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. —

Nathaniel Williams et al v. The United States —	This cause having been called for argument and counsel not being ready. It is now here ordered by the court that this cause be and the same is hereby postponed to the first of the docket under the 30th rule of this court. —

Tuesday February 26 1839 Continued.

William Emmons	The cause was argued by
vs	Mr. Cope for the plaintiff
Charles H. Hall —	in Error. —

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock. —

Wednesday February 27th 1839.—

Pursuant to adjournment the court met this morning at the Capitol—

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley	
Alexander	Hunter Esqr	Marshal
William	Thomas Carroll	Clerk.

Proclamation being made the court is open

Mr Archer first moved the court in this behalf by Mr Gaundy. It is ordered that John Erwin Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Wednesday February 27 1839 Continued.

Thomas P. Moore. Plff in Error vs. The President and Directors of the Bank of the Metropolis	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel on consideration whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum -

Jos. M. Hu: Thompson.

William B. Bond. Plff vs. The Mayor &c of the City of New York.	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.

This cause came to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the points and questions on which the Judges of the said Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act

Wednesday February 27th 1839 Continued.

of Congress in such case made and provided and was argued by Counsel on consideration whereof It is the opinion of this Court —

First. That upon the facts stated in the case the Plaintiff (Bond) is not entitled to recover back the specific duties paid by him on the package number 45. as mentioned in the case. —

2dly Secondly. That Silk hats or bonnets of the description in the case are duty free or are not subject to duty under the act of the 2d March 1833 entitled "An act to modify the act of the 14th July 1832 and all other acts imposing duties on imports" which declares that all manufactures of silk or of which silk is the component material of chief value coming from this side of the Cape of Good Hope, except sewing silk, shall be free of duty.

Whereupon it is ordered and adjudged by this Court that it be so certified to the said Circuit Court and that this cause be remanded to the said Court that further proceedings may be had therein according to law. — Jos. M. Hs. Roy —

(M. Hs Thompson dissenting.)

Wednesday February 27th 1839 Continued.

Edmund Hurdy-Jr. ff
vs. In
Error Appl. -

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the southern district of New York. - This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the points and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof, this Court is of opinion that the silk hose or manufactures of silk not being wearing silk were exempted from the payment of duty by the 4th section of the act of the Congress of March 1833 entitled "An act to modify the act of the 14th of July 1832 and all other acts imposing duties on imports" which declares that all manufactures of silk or of which silk is the component material of chief value coming from the east of the Cape of Good Hope except wearing silk, shall be free of duty. Whereupon it is ordered and adjudged by this court that it be so certified to the said Circuit Court and that this cause be remanded to the said Court that further proceedings may be had therein according to law

Wednesday February 27th 1833 Continued

De La Fayette Wilcox, U.S. Plff in Error vs Henry M'Connel	The argument of the cause was commenced by Mr. Butler for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Thursday February 28th 1839

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Same	Henry Baldwin	Associate
	James M. Wayne	Justices.
	Philip P. Barbour	
	John Catron	
	John McKinley	
	Alexander Hamilton Junior	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the court adjourned.

Richard C. L. Moncure & Lucius P. Conway Surviving partners of Mary Lenox Appellants

vs.

The Rev. Mr. Normell.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit

Thursday February 28th 1839 Continued . . .

Court of the United States for the District of Kentucky holden in and for the County of Washington and was argued by Counsel. On consideration whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a Venire Facias de novo, and for further proceedings to be had therein in conformity to the opinion of this Court. — Jos. M. Hn. McKinly —

Came the J. Clark Executor and J. Adms. &c. Ct. and George R. H. Clark by Jefferson Kennedy Clerk — and came the age of twenty one years by his Guardian ad litem and said George R. H. Clark, heir at law of William Clark, dec'd. — Sci. fa. issued

72 — To

Andrew Smith . . . . .

On appeal from the Circuit Court of the United States for the District of Kentucky. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and

Thursday February 28th 1839 Continued

and argued by Counsel. On Consideration whereof. It is adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this Court.

Jos. M. Hrs. Catron.

Richard Reynal Keene
vs.
Warren Whitaker et al

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and it appearing upon an inspection of the papers filed in the cause that it has been brought here upon an agreed statement of facts, without any of the proceedings in the court below being in the record. Whereupon it is adjudged and ordered by this court that this cause be and the same is hereby dismissed with costs.

Jos. M. Hrs. Wayne.

Thursday February 28th 1838. Continued

Downer & Co Plff in Er vs Edward B. Church	This cause was submitted to the Consideration of the Court on the record and a printed argument by Mr. C. Hoffman of Counsel for the plaintiff.
De La Fayette Wilcox vs Jeffries & Murray McConnel	The argument of this cause was continued by Mr. Butler for the plaintiff in Error.
Jonathan Meredith & al vs Jeffries & Ex the United States	The argument of this cause was commenced by Mr. Meredith for the plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday March 1st 1839.—

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.—
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.—

On motion first made to the Court in the behalf by Mr Meredith— It is ordered that James H. Raymond Esquire of the State of Maryland be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

Friday March 1st 1839. Continued. —

The United States — Appellants

vs.

Brijida Gomez Arredondo, widow of Fernando de la Maza Arredondo Senior dec'd, Gonzalez Arredondo dec'd Arredondo, Theresa Arredondo Maria Manuella Arredondo, Rosa Arredondo and Thos the heirs of Fernando de la Maza Arredondo Senior dec'd, and Children and heirs of Joseph de la Maza Arredondo deceased by Francis S. Sales their next friend and guardian and Moses E. Levy —

On appeal from the Superior Court for the Eastern District of Fla.

This cause came on to be heard on the Transcript of the record from the Superior Court for the Eastern District of Florida and was argued by Counsel — On consideration whereof It is adjudged and decreed by this Court that the decree of the said Superior Court in this cause so far as it declares the claim of the petitioners to be valid be and the same is hereby affirmed in all respects; and that a survey be made of the lands contained in the said Concession according to the terms thereof for the number of acres and at the place therein designated, provided it does not interfere with the rights of third parties — And it is further ordered by

Friday March 1st 1839 Continued

the Court that a mandate be issued to the Surveyor of public lands directing him to do and cause to be done all the acts and things enjoined on him by law and as required by the opinion and decree of this Court in this case, and that this case be remanded to the said Superior Court for further proceedings to be had therein in conformity to this decree and the opinion of this Court which must be annexed to the mandate. —

Pr. M. Jno: Wayne. —

John Wilcox &al. Plffs in Er. / vs / Thomas Hunt &al	This cause was argued by Col. Benton for the Plaintiffs in Error and by Mr. Coxe for the defendant in Error. —
Marine Ins.ce Company / vs / The Brig Sarah &c	This cause was argued by Mr. Webster for the Appellant and by Mr. Talcott for the Appellee. —

Friday March 1st 1839 Continued

Jonathan Meredith val vs Joseph in Er The United States.	The argument of this Cause was Continued by Mr Meredith for the Plaintiff in Error and by Messrs Nelson & Attorney General for the defendants in Error.
Proclamation being made the Court is Adjourned until tomorrow morning at eleven Oclock.	

Saturday. March 2d 1839.

Present the Honorable Roger B Taney Chief Justice —

	Joseph Story	
	John McLean	
	Henry Baldwin	
The Hon'ble	James M. Wayne	Associate
	Philip P. Barbour	Justices. —
	John Catron	
	John McKinley	

Hermanus Hunter Esquire Marshal

William Thomas Carroll, Clerk —

Proclamation being made the Court was opened. —

John P. Van Ness appt	On appeal from the
vs. "	Circuit Court of the
Mathew Boyle. —	United States for the
	District of Columbia

holden in and for the County of Washington. —

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Columbia holden in

Saturday . March 2nd 1839 Continued.

for the County of Washington was argued by Counsel - On Consideration whereof, It is adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Jos. M. Nelson Barbour -

William B. Clarke . — Pltff in Er.
by.
Francis W. Dallenstall

In Error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel -

On Consideration whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six (6) per centum per annum.

Jos. M. Nelson Barbour. —

Saturday March 2d 1839 Continued

William Emerson's heirs vs Jeffries Charles H. Hall's	In Error to the Supreme Court of the State of Louisiana. —

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana and was argued by counsel. On consideration whereof, It is ordered and adjudged by this court that the judgment of the said Supreme Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court that further proceedings may be had therein in conformity to the opinion of this Court

Ps. M. Tho. McKean.

Ex parte: Jon Kay Collector of the District of New York. vs. The United States. —	On Consideration of the motion, made by Mess. Attorney General and Crittenden on a prior day of the present term of this Court, Ponit. On Saturday the 23d day of

February for a mandamus as set forth in the petition and on the arguments of Counsel thereupon had as well in behalf of as against the motion. It is now

Saturday March 2d 1839 Continued

It is ordered and adjudged by this Court that the mandamus prayed for be and the same is hereby denied, and that the said motion be and the same is hereby overruled.

Jos. M. Nelson Story.

Jonathan Meredith et al 12. Th. Pltffs in Er The United States	The argument of this cause was concluded by Mr Johnson for the Plaintiffs in Error.
Nathaniel Williams et al 8. " Pltffs in Er The United States	The cause was submitted on the consideration of the Court on the record by Mr Johnson for the Pltffs in Error and by the Attorney General for the defendant in Error.
Wm Derbanger admr &c 52 " Pltffs in Er John H. Duffy	On the consent of Mr Nelson and Mr Johnson it is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Saturday March 2nd 1839 Continued

Burrington Anthony —	This cause was submitted
Pff. in Er	to the consideration of the
Cyrus Butler —	Court on the record and
	printed argument of Counsel
De LaFayette Wilcox	The argument of this cause
Pff. in Er	was continued by Mr Key
Murry McConnel	for the Defendant in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday March 4th 1839.—

Pursuant to adjournment the court met this morning at the Capitol—

Present

The Honorable Roger B. Taney, Chief Justice.

	Joseph Story	
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	Philip P. Barbour	Justices
	John Catron	
	John McKinley	

Alexander Hunter Esqr Marshal

William Thomas Carroll Clerk—

Proclamation being made the court is open

Ch. motion of Mr. Ingersoll made to the court in this behalf by Mr. Ingersoll. It is ordered that D. Carroll Esqr. of the State of Pennsylvania be admitted to practise as an attorney and counsellor of this court and he was sworn accordingly.—

Monday March 4th 1839 Continued -

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that Thomas A. Budd Esquire of the State of Pennsylvania be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly -

Downer & Co. } On a certificate of division
vs. } in opinion between the
Edward B. Church } Judges of the Circuit Court
of the United States for the
District of Mississippi. - This cause came on
to be heard on the transcript of the record from
the Circuit Court of the United States for the
District of Mississippi and on the point and
question on which the Judges of the said Circuit
Court were opposed in opinion and which was
certified to this Court for its opinion agreeably to
the act of Congress in such case made and provided and was
argued by Counsel. On consideration whereof it is the opinion of
this Court that the Plaintiffs in this case could recover upon
the second of a foreign bill of Exchange which was protested
for non-acceptance with the protest thereto attached
without producing the first of the same set or accounting for its
non-production - whereupon it is ordered & adjudged by this Court that
it be so certified to the said Circuit Court accordingly -

Monday March 4th 1839 Continued —

George Runyan Jr. vs. Ohio Ex. Bank &c.	On motion of Mr Key of counsel for the Plaintiff in Error the same is ordered by the Court that this cause be and the same is hereby continued to the next term of this court. —

De La Fayette Wilcox vs. Murry McConnel	The argument of this cause was continued by Mess.rs Key & Webster for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Tuesday March 5th 1839.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
John McLean
Henry Baldwin
The Court &c James M. Wayne Associate
Philip P. Barbour Justices.—
John Catron &
John McKinley—

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened.—

On the Eighth Monday, viz—	The argument of this cause
44. The Bank of the	was continued by Mr Webster
Missouri McConnell —	for the defendant in Error
	and by Mr Attorney General
	for the plaintiff in Error.

Proclamation being made the Court is adjourned until to morrow morning at eleven oclock.—

Wednesday March 6th 1839.

Present as before and the court met this morning at eleven oclock.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	Philip P. Barbour	Justices
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Sandidge. It is ordered that Thomas Washington Esquire of the State of Tennessee be admitted to practice as an Attorney and counsellor of this court and he was sworn accordingly.

Wednesday March 6th 1839 Continued

Charles P. Williams pltff
vs.
The Norfolk Insurance Compy

on a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Massachusetts. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel. On consideration whereof. It is the opinion of this Court. 1st That, in as much as the Government has omitted to state any facts as regular executive authority, that the Falkland Islands do not constitute any part of the dominions within the sovereignty of the Government of Buenos Ayres, the action of the American Government in this subject is binding on the said Circuit Court to whom the sovereignty of those Islands belongs. and secondly, That the Insurance and Reinsurance of the Cargo for which the Plaintiff is entitled to recover in this case under the circumstances as stated in the said certificate. Therefore it is ordered and adjudged by this court that it be so certified to the said Circuit Court accordingly. Per Mr. Justice M'Lean.

Wednesday March 5th 1834 Continued.

Charles F. Williams pltff
vs
The Suffolk Insurance Compy

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Massachusetts. This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the questions and points on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel - On Consideration whereof it is the opinion of this Court 1st That inasmuch as the American Government has insisted and still does insist through its regular executive authority that the Caribbee Islands do not constitute any part of the Dominions within the Sovereignty of the Government of Denmark and the action of the American Government in this respect is binding on the said Circuit Court as to them the Sovereignty of those Islands belongs and 2ndly That the seizure and condemnation of the Vessel was a loss for which the plaintiff is entitled to recover in this case under the circumstances as stated in the second point certified Therefore it is ordered and adjudged by this court that it do so certify to the said Circuit Court accordingly - Ps. Mr. Justice M'Lean -

Wednesday . March 6th 1839 Continued

De Le Fayette Wilcoxes/ H. vs Jeffries Murray & Conrad ...	The argument of this cause was concluded by Mr Attorney General for the Plaintiff in Error .....
Merchants Bank of Balto vs Joseph Norris et al	The argument of this cause was commenced by Mr Billingshurst for the appellants, continued by Mr Coxe for the appellee and concluded by Mr Billingshurst for the appellants. —
Lessee of Charles E. Nesbitt ... 22. vs Jeffries Thomas Reid for use ...	The argument of this cause was commenced by Mr Washington for the plaintiff in Error . —

Whereupon the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday . March 7th 1839 .

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	Philip P. Barbour	Justices -
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

John Wilcox Appellant
v.
Thomas Hunt Chester Clark and Wells Phillips Trustees

In Error to the District Court of the United States for the Eastern District of Louisiana -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel - On consideration

Thursday March 7th 1839. Continued.

Whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. — Pr. M. Chief Justice McKinley. —

Thomas O. Burton - appellant
vs.
William L. Smith and Matthew Kennedy —

On appeal from the Circuit Court of the United States for the Eastern District of Virginia. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and was argued by Counsel. On Consideration whereof it is adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Pr. M. Chief Justice Barbour. —

Thursday March 7th 1839 Continued.

Benjamin Stoup appellt 61. vs Louisa Livingston Extx of Edward Livingston deceased.	On appeal from the Circuit Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel On Consideration whereof, It is ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause affirming the Masters report be and the same is hereby affirmed. And this Court doth also order, adjudge and decree that the Defendant do, on or before the tenth day of the ensuing term of the said Circuit Court pay to the complainant Louisa Livingston the sum of thirty two thousand nine hundred and fifty eight dollars and eighteen cents, with interest thereon at the rate of five per cent per annum from the 15th day of July 1837 to the time of payment. And this Court doth further order, adjudge and decree that the said defendant pay the costs on or before the 10th day of the next term of said Circuit Court by said decree to the said Louisa Livingston and Edward Barton all the right, title and interest in

and to the premises in controversy derived & and acquired by him, by the deed of conveyance made by the said Edward Livingston, with covenants of warranty against himself and his heirs and all persons claiming by through or under him, the said . Benjamin . Hey and that he deliver and cause into said court, and that he deliver the possession of the premises to said Louis Livingston his agent or attorney on or before the tenth day of the next term of said Circuit Court and this cause is remanded to the said Circuit Court with instructions to carry this decree into effect. And it is further ordered, adjudged and decreed that said Circuit Court retain this cause upon the docket for the purpose of ascertaining and securing the amount of the rents of the premises from the first day of November 1837 to the time when the possession thereof shall be surrendered according to this decree with power to make such orders and decrees as may be necessary for that purpose and for the payment of the said rents from the said first day of November 1837 to the time of the surrender of the possession with five per cent interest on the said rents from the time said rents were received to the payment thereof. And this court doth further

Thursday. March 7th 1839. Continued.

order, adjudge and decree that the defendant do pay the costs in this Court upon this appeal and the costs of the record of the decree of the said Circuit Court by this Court at its January Term 1837, and also said costs on the proceedings in the said Circuit Court in this cause, as the said Court shall direct and order to be paid, and that the said Circuit Court do issue execution therefor. — Jos. M. Hs. Wayne. —

Burrington Anthony (Marshal &c. def't in Error) vs. Cyrus Butler. — In Error to the Circuit Court of the United States for the District of Rhode Island. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by counsel. On consideration whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Jos. M. Hs. M'Lean —

Thursday March 7th 1839 Continued.

Sefus of Charles C. Scott vs 22. " " Jeffries Thomas Reid Jr vs	The argument of the cause was continued by Mr. Washington for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday March 8th 1839

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
John McLean
Henry Baldwin
The Honble James M. Wayne } Associate
Philip P. Barbour } Justices.
John Catron }
John McKinley }

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Jonathan Meredith & Thomas Ellicott Appellants vs. The United States.	In Error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel.

Friday March 8th 1839 Continued

on consideration whereof. It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — Js. M. Hus. Clay —

M. Hs. Baldwin dissenting. —

Nathaniel Williams & John Dunn Appellants vs The United States. —	Appeal from the Circuit Court of the United States for the District of Maryland. This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel. On consideration whereof it is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — Js. M. Hs. Clay M. Hs. Baldwin, dissenting. —

Nathan Cure & others Appellants vs Nicholas G. Roosevelt assignee of Joseph Roosevelt &c. —	On appeal from the Circuit Court of the United States for the District of Rhode Island. This cause came on to be heard on the transcript of the record from the

Friday March 8th 1839 Continued.

Circuit Court of the United States for the District of Rhode Island and now argued by Counsel — On Consideration Whereof, It is the opinion of this Court that the Supplemental decree of Sale in execution of the original decree in this cause is but an execution of the original decree and not a final decree from which an appeal lies to this Court — Therefore it is ordered adjudged and decreed by this Court that the appeal be and the same is hereby dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions that the said Court may in its discretion proceed to execute the original decree if it shall deem it advisable. — Jos. Mc Kim. Story —

Estate of Margaret Fairweather & al. vs. Joseph Griffin & al.	It is now here ordered by the Court that this cause be and the same is hereby held under advisement, and that the same be continued to the next term of this Court. —
William Fairchild.	

Friday March 8th 1839 Continued.

Lyon of Margaret Salmon &c v. To Offutt Ex David Underwood &c	It is now here ordered by the court that this cause be and the same is hereby held under advisement and that the same be continued to the next term of this court. —
Lyon of Charles C. Pole &c vs. To Offutt Ex Thomas Reid Jr. &c	The argument of this cause was continued by Mr Saunders for the defendants in Error and concluded by Mr Washington for the plaintiff in Error. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Saturday . March 9th 1839. —

Pursuant to Adjournment the Court met this morning at the Capitol —

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	Philip P. Barbour	Justices —
	John Catron	
	John McKinley	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court was opened. —

The New England Marine Insurance Company — Appts	On appeal from the Circuit Court of the United States for the District of Massachusetts
vs	This cause came on to be heard on the transcript of the record from
The Brig Sarah Ann Clarke Woodbury Charles Ely and Caleb Priest Claimants —	

the Circuit Court of the United States for the District of Massachusetts and was argued by Counsel

Saturday March 9th 1839 Continued.

On consideration whereof It is ordered adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

P. V. Mr. Jus: Wayne. —

De Lafayette Wilcox Appellant vs. John Jackson on the demise of Murray McConnel —	Error to the Supreme Court of the State of Illinois. ——

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Illinois and was argued by Counsel. On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby reversed and annulled with costs, and that this cause be and the same is hereby remanded to the said Supreme Court that such further proceedings may be had therein in conformity to the opinion and judgment of this Court and as to law and justice may appertain. —

P. M. Mr. Justice Barbour. —

Saturday March 9th 1839. Continued.

The President, Directors & Comp'y of the Bank of Augusta - Plff in Er.
vs
Joseph B. Earle —

In Error to the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel - On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — P. V. M. Ch. Jus. Taney —

Dissenting: Jus. McKinley. —

The President Directors & Comp'y of the Bank of the United States —
vs
William B. Primrose —

In Error to the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the

Saturday. March 9th 1839. Continued

Southern District of Alabama and was argued by Counsel. On Consideration Whereof, It is ordered & adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. - P. V. M. Ch. Jus. Taney -

P. Jus. McKinley dissenting.

The New Orleans and Carrollton Railroad Company -	In Error to the Circuit Court of the United States for the Southern District of Alabama.
By. &c. vs. Joseph B. Earle -	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration Whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. - P. V. M. Ch. Jus. Taney

P. Jus. McKinley dissenting. -

Saturday March 9th 1839. Continued.

Carey Bagnell, Lessee and Peter Byrne & Luke Byrne Exrs of Morgan Byrne, dec'd. vs. Joseph Joffin & George W. Brodrick — In Error to the Circuit Court of the United States for the District of Missouri —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Missouri and was argued by Counsel. On Consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs

Jr. M. hs. Baron. —

Justices McLean, Baldwin & McKinley dissenting.

Elijah Simpson Lessee and Peter Byrne & Luke Byrne Exrs of Morgan Byrne, dec'd. vs. Joseph Joffin & George W. Brodrick. — In Error to the Circuit Court of the United States for the District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Missouri and was argued by counsel. On consideration whereof, It is ordered and adjudged by this Court that the

Saturday. March 9th 1839. Continued

judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Pr. Mr. Chief Justice Taney.

Justices McLean, Baldwin & McKinley, dissenting.

John McCune, Tenant, and Peter Byrne & Luke Byrne Exrs of Morgan Byrne, dec'd, Pltffs in Error
vs.
George W. Broderick

In Error to the Circuit Court of the United States for the District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Missouri and was argued by counsel. On consideration whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Pr. Mr. Chief Justice Taney.

Justices McLean, Baldwin & McKinley, dissenting.

Saturday . March 9th 1839 Continued.

William Brockett &c. vs Robert Brockell & al

In appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria—

Mr Lemmon of Counsel for the appellees having filed and read in open court a reference in the words and figures following, to wit: —

October Term 1838. Alexandria County to wit

William Brockell & others } Appeal from the
vs } the Orphans court.
Robert Brockell & others

Judgment affirmed with costs.

The plaintiffs pray an appeal to the Supreme Court of the United States which is granted upon their giving bond and security in the sum of $2000 to be approved by this court or one of the Judges thereof. No bond given & record to be sent from this office. By Testimony whereof I Edmund Lee Clerk of the United States Circuit Court of the District of Columbia for the County of Alexandria have hereunto set my hand and affixed the seal of the said court this 9th day of March 1839. Edmd Lee Clk

And hereon stated that the said appellants did

Saturday March 9th 1839 Continued.

together jointly to file the record of said cause in this Court, or in any way to prosecute said appeal now here moved the Court in pursuance of the 33d rule of this Court to have the appeal docketed and dismissed - On Consideration whereof It is now here ordered adjudged and decreed by this Court that the appeal be and the same is hereby dismissed with costs and that this cause be and the same is hereby remanded to the said Circuit Court of the United States for the District of Columbia holden in and for the County of Washington for further proceedings to be had therein in conformity to law and justice the said appeal notwithstanding. - Mr. Chief Justice Story. -

In the matter of Myra Clark Whiting vs Richard Relf Val	On petition for a mandamus or for a rule to show cause why such writ should not issue requiring the Judges of the 5th Judicial Circuit to proceed in the cause according to the rules of Equity -

On Consideration of the motion made in this cause by Mr Jones on the first day of the present term of this Court that on suggestion that the 28th day of

Saturday March 9th 1839 Continued.

January last and by the argument of Counsel thereupon had It is now here ordered adjudged and decreed by this Court that the said motion be and the same is hereby overruled.

Test. Wm. Thos. Mory.

Lessee of Charles C. Scott Vol 22. vs Jeffries Ex Thomas Reid Jr. Vol and Thomas Reid Jr. Vol 99. vs Jeffries Ex. Lessee of Charles C. Scott Vol	It is now here ordered by the Court that these causes be and the same are hereby held under advisement and that the same be continued to the next Term of this Court.

Lessee of Charles C. Scott Vol 22. vs Jeffries Ex Thomas Reid Jr. Vol	whereupon upon inspection of the printed argument of Thomas Washington Esquire of Counsel for the plaintiff in Error in this cause it appears to the Court that some of the passages therein contained and more particularly those on pages 2. 11. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52.

Saturday March 9th 1839 Continued

thereupon now here ordered by this Court, that the said pleadings or parts of said argument and all others which may be deemed disrespectful to any member of the Court be and the same are hereby stricken out and that this order be entered on the minutes of this Court. -

It is now here ordered by the Court that all the cases on the docket not decided, and all the other business of the term not disposed of by the Court be and the same are hereby continued over to the next term of this Court. -

Proclamation being made the Court is adjourned to the time and place appointed by law. -

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I

January Term 1840.

At the Capitol of the United States in the City of Washington and District of Columbia, being the present Seat of the National Government of the United States on the second Monday of January, being the Fifteenth day of the same Month, in the Year of our Lord one Thousand eight hundred and forty, and of the Independence of the United States the Sixty-Fourth, the Supreme Court of the United States met agreeably to law. —

Present

The Honorable	Roger	B. Taney	Chief Justice.
	Joseph	Story	
	Smith	Thompson	
	John	M'Lean	Associate
The Honble.	Henry	Baldwin	Justices —
	James	M. Wayne	
	Philip	P. Barbour	
	John	Catron	

Alexander Hunter Esquire Marshal.
William Thomas Carroll, Clerk —

Proclamation being made the Court is opened. —

Monday January 13th 1840 Continued.

On motion first made to the Court in this behalf by Mr Gilpin Attorney General of the United States. It is ordered that Albion K. Parris Esquire of the State of Maine be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.—

The Chief Justice announced to the Bar that the Court would tomorrow commence the call of the docket under the 35th rule.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday January 14th 1840.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble.	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr. Cope It is ordered that C. P. Van Ness Esqure of the State of Vermont be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly -

Tuesday January 14th 1840. Continued.

Thomas Hammond Adms &c
1 vs Appt.
George Washington Exrs

Mr Jones of Counsel for the Appellees having suggested the death of the surviving Executor of the appellee, moved the Court to postpone this cause to the foot of the docket in order that proper parties might be made. Whereupon it is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. —

Lessee of John Holker &al
2. vs Ejectt
William Simon &al

On motion of Mr King of Counsel for the Plaintiff It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. —

William T. Cook —
5. vs Ejectt in Er
John L. Moffat &al

This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court. —

Tuesday January 14th 1840 Continued

The United States use &c v Elizabeth Wiggins	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.
Richard L. Watkins vs Oliver Holman val	On motion of Mr Kay of counsel for the defendants in Error. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.
Gustavus Beal val. Effie & v Exrs of Oliver Holman val	On motion of Mr Kay of counsel for the defendants in Error. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Tuesday January 14th 1840 Continued –

Sylvester L. Fowler Appellee 10. vs Harris Brantly et al –	This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this Court. –

The United States Appellee 11. vs John Redman's Appellee	This cause having been called for argument and no counsel appearing It is now here ordered by the Court that the cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court. –

The United States – Appellt. 12. vs Joseph L. Hospital Respt. –	This cause having been called for argument and no counsel appearing It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court. –

Tuesday January 11th 1842 Continued

The United States appt vs Edwards Watermans Heirs	The cause having been called for argument and no counsel appearing It is now here ordered by the court that the cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court

The United States appt vs Seth Forbes' Heirs	The cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 30th rule of this court.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 15th 1840.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honble Roger B Taney Chief Justice
Joseph Story
Smith Thompson
John McLean Associate
The Honble Henry Baldwin Justices.
James M Wayne
Philip P Barbour
John Catron —
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

On motion first made to the court in behalf by Mr Pillinghast. It was ordered that Charles Shuster Esquire of the State of New York be admitted to practise as an attorney and counsellor of this court and he was sworn accordingly.

Wednesday January 15th 1840. Continued.

The United States appt
vs
Joseph Delaspine

This cause having been called for argument and no counsel appearing It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this court.

Estate of Ambrose Walden
vs
John Craig's heirs &c

This cause was argued by Mr Underwood for the plaintiff in Error and by Mr Crittenden for the defendants in Error.

Estate of Ambrose Walden
vs
John Craig's heirs &c

This cause was argued by Mr Underwood for the plaintiff in Error and by Mr Crittenden for the defendants in Error.

The Bank of Nileopolis
vs
Cornelius Gallatin

The argument of this cause was commenced by Mr Cope for the plaintiff in Error, and continued by Messrs Semmes and Bradley for the defendant in Error.

Wednesday January 15th 1840 Continued.—

George Wilkes & Co vs. Complt Theodore S. Parker Defdt	This cause was submitted to the consideration of the Court on the record and printed by Mr Austin of Counsel for the Complainants —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 16th 1840.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present—

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened—

On motion first made to the Court in this behalf by Mr Crittenden. It is ordered that John Henderson Esquire of the State of Mississippi be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday January 15. 1840 Continued

Bank of the Metropolis &c vs Ernestus Gutschlick	The argument of this cause was commenced by Mr Bradley for the defendant in Error and concluded by Mr Coxe for the Plaintiff in Error.

Ambrose Walden - Appt vs Henry S. Bodley & al	The argument of this cause was commenced by Mr Underwood for the appellant, continued by Mr Crittenden for the appellee and concluded by Mr Underwood for the appellant.

Ambrose Walden Appt vs Henry S. Bodley & al	Mr Crittenden of Counsel for the appellee now here moved the Court 1st That the appeal of Walden be dismissed because it is an appeal from several distinct decrees in several separate suits, which are attempted to be confounded in this appeal - and because there is no record filed of any such suit or decree as is described in the said appeal and Citation thereon.

2d That if the said appeal can be at all sustained, it must be dismissed as to all the

Thursday January 15th 1846 Continued.—

parties named in the citation who are not parties to the suit or decree that is appealed from— Whereupon this court not being now here sufficiently advised of and concerning what judgment to render in the premises— It is now here ordered by the Court that the consideration of said motion be and the same is hereby postponed for the present.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday January 17th 1840.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.

Thomas Evans admr &c Plff in Er	This cause was argued by
vs.	Mr Key of Counsel for the
Sterling H. Gee —	Plaintiff in Error.
Susan Mayburry appt	This cause having been
vs.	called for argument and
John McPherson Brian & al	no Counsel appearing
	It is now here ordered

Friday January 1st 1841 Continued.

by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.—

Albert P. Le Vasseur's admr. vs. Jeffries 22. " John H. Duffy —	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.—
Wm & Thos Brown & Co 23. " Jeffries vs Thomas McGrun —	The argument of this cause was commenced by Mr Brown for the Plaintiffs in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Saturday January 18th 1840.

pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice —
Joseph Story
Smith Thompson
John McLean Associate
The Honble Henry Baldwin Justices —
James M. Wayne
Philip P. Barbour
John Catron

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr Key — It is ordered that William Medill, Robert J. Alexander, John B. Weller and Isaac Parrish Esquires of the State of Ohio be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly —

Saturday January 18th 1840. Continued.—

Wm & James Brown & Co.	The argument of this cause
33. " " Pff in Er.	was continued by Mr Jones
Thomas M'Ginn —	for the defendant in Error
	and concluded by Mr

Brown for the plaintiffs in Error.—

Richard L. Wathins —	Mr Crittenden of counsel
8. " " Pff in Er.	for the defendant in Error
Oliver Holman vel.	now here moved the Court

to continue this cause to the next term, which was opposed by Mr Ogden of Counsel for the plaintiffs in Error. Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises took time to consider.—

Gustavus Beal vel —	Mr Crittenden of Counsel
9. " "	for the defendant in Error,
Exrs of Oliver Holman vel	now here moved the Court

to continue this cause to the next term, which was opposed by Mr Ogden of Counsel for the plaintiffs in Error — Whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises took time to consider.—

Saturday January 18th 1840 Continued.—

Proclamation being made the Court is Adjourned until Monday Morning at eleven o'clock.—

Monday January 20th 1840.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Richard L. Watkins
&
Oliver Holmes Val

On consideration of the motion made in this cause by Mr Crittenden of Counsel for the defendants in Error on last Saturday the 18th instant and of the arguments of Counsel thereupon had as well against as in support of said motion

It is now here ordered by the Court that this

Monday January 20th 1840. Continued.

cause be and the same is hereby continued to the next term of this court.

Gustavus Beal Val — } On consideration of the
J. ... vs ... Appellee } motion made in this
Oliver Holman Val } cause by Mr Crittenden
of counsel for the defendant in Error on last Saturday the 18th instant and of the arguments of counsel thereupon had as well against as in support of the said motion. It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.

Washington Bridge Comp^y } The argument of this cause
24. ... vs ... Appellee } was commenced by Mr Brady
William Stewart Val } for the appellant, continued
by Mr Coxe for the appellee
and concluded by Mr Brady for the appellant.

Colin Mitchell Val — } This cause having been
25. ... vs ... Appellee } called for argument and
The United States — } no counsel appearing to
argue the same, It is now
ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 35th Rule of this court

Monday January 26th 1846 Continued.

George Rangan Esqrs. vs. Sophia Hutchinson et al.	Argument of the cause was commenced by the Attorney for the Plaintiff in Error.

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock.

1100

Tuesday January 21st 1840.

Pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice -
Joseph Story
Smith Thompson
John McLean Associate
The Hon'ble Henry Baldwin Justices -
James M. Wayne
Philip P Barbour
John Catron -
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the court is opened

John Doe on the demise of Ambrose Walton - pltff in Er.
vs
John Doing and Catharine Doing his wife Thos Craig William Craig, Francis Barker, Thomas Freeman and Sarah Freeman his wife, Daniel Chase, John Chiles, Ann [illegible] Maria Ford, Elizabeth Jane, Jane Craig, Elizabeth Kempf, Elmer Craig, Frances Craig, Mary Craig, Jane Craig, Melvina Craig, John H. Craig

Tuesday January 21st 1840 Continued.—

Polly Craig, Francis Thomas and Elizabeth Thomas Exrs of Denis Craig dec'd. Jonathan Roe and John A. Procter.

In Error to the Circuit Court of the United States for the District of Kentucky.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel. On Consideration whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs; and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and justice and in conformity to the opinion of this Court.—

P. V. N. Bibb. C. C.

John Doe on the demise of Ambrose Walden

vs. No. Ejectment in Error.

John Bing and Catharine Bingh's wife, John Craig, William Craig, Francis Barker, Thomas Foreman, and Sarah Foreman his wife, Lewis Nicholas, John Chiles, Jun. Lewis, Mary Lewis, Elizabeth Lewis,

Tuesday January 21st 1840 Continued.

Lewis Craig, Elizabeth Kenpt, Oliver Craig, Francis Craig, M'Coy Craig, Jan Craig, Melinda Craig, John H. Craig, Polly Craig, Francis Thomas and Elizabeth Thomas heirs of Lewis Craig, dec'd. Abraham Shelby and Thomas Blair.

In Error to the Circuit Court of the United States for the District of Kentucky —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel. On consideration whereof It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and justice and in conformity to the opinion of this court. — Js. M'Kinley M'Lean.

The President and Directors of the Bank of the Metropolis, Pl. in Error, vs. Joseph E. Ernestus Gallatchick —

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington —

This cause came on to be heard on the transcript of

Thursday January 21st 1886 Continued.

the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel On Consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of six (6) per centum per annum. — Per Mr Justice Bradley.

Joseph Evans, adm'r &c. Plaintiff in Error
vs.
Sterling H. Gee —— Defendant in Error.

In Error to the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel On Consideration whereof It is ordered and adjudged by this Court that this writ of Error be and the same is hereby dismissed with Costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and justice. — Per Mr Justice Bradley.

Tuesday January 21st 1840 Continued.

Grace Runyan pltff in Er.
26.
Estate of John L Carter dec

The argument of the cause continued by Mr Ingersoll for the plaintiff in Error & by Mr Budd for the defendant in Error and concluded by Mr Ingersoll for the plaintiff in Error. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock —

Wednesday January 22.d 1840.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honble	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron.	

Alexander Hunter Esqr Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On Motion first made to the Court in this behalf by Mr Ingersoll It is ordered that Joshua A. Lowell Esquire of the State of Maine be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday January 27th 1841 Continued.

On motion first made to the court in that behalf by Mr Crittenden. It is ordered that Elijah Vance Esqr of the State of Ohio be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly—

John F Grimes &c Appellants.
vs.
Lopez of Walker &c — Appellees

This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this court.—

Neil Martin &c Appellants
vs.
Appellees of U.S. &c

This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this court.—

Wednesday January 23rd 1811 Continued.

James Wood & al. Appts vs Walter Brashear —	The argument of this cause was commenced by Mr Coxe for the appellants, continued by Mr Caillender for the appellee and concluded by Mr Coxe for the appellant. —
John Peter & John Peter Jr vs Farmers Ins. Company	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.
Samuel Spriggs Appt vs the Bank of Mount Pleasant	Mr Alexander of Counsel for the appellee moved for leave to submit this cause to the consideration of the Court on the record and printed argument in behalf of his client. On consideration whereof It is ordered that leave be and the same is hereby granted as prayed for. —

Wednesday January 22d 1840 Continued.—

Archibald K. Smith.—	The cause having been
32. vs Pfiffner &	called for argument and
Alfred & Clapp.—	no counsel appearing to
	argue the same— It is now

here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

Commonwealth Bank of Kentucky	On motion of Mr Crittenden
34. vs Pfiffner &	of counsel for the plaintiff
Thomas Griffith & al	in error. It is now here ordered

by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

Ann Buyck & al — Appts	This cause having been
35. vs	called for argument and
The United States —	no counsel appearing to

argue the same it is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

Wednesday January 22nd 1868 Continued.

William A Cox ppff vs Daniel H. Lovett dft	On motion of the Esq of counsel for the appellant Writ of Error is ordered by the Court that this cause be and the same is hereby dismissed at the cost of the appellant under the 35th rule of this Court.
The United States ppff vs Jacob Knight dft	This cause coming on to be heard for argument and the Counsel appearing to argue the same It is now here ordered by the Court that this cause be and the same is hereby dismissed at the cost of the deft under the 35th rule of this Court —
Daniel D. Lovett Pltff vs The United States —	This cause coming on to be heard for argument and the Counsel appearing to argue the same - It is now here ordered by the Court that this cause be and the same is hereby dismissed at the cost of the deft under the 35th rule of the Court.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 23d 1840.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice.
Joseph Story
Smith Thompson
John McLean Associate.
The Hon'ble Henry Baldwin Justices.
James M. Wayne
Philip P. Barbour
John Catron

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Key. It is ordered that B. Pegram Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was accordingly so —

Thursday January 23d 1840 Continued.

Peter C. Funk Appt
By &c
John Schaeffer Admr

The argument of this cause was commenced by Mr Agnew for the appellant continued by Mr Ray for the appellee and concluded by Mr Love for the appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Friday January 21st 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The Bank of Alexandria vs. Edward Dyer et al.	The argument of this cause was commenced by Mr Cox for the plaintiff in Error, continued by Messrs Brent & Jones for the defendants in Error and concluded by Mr Cox for the plaintiff in Error.

Friday January 24th 1840. Continued.

Elias Rane Pltff in Er. vs Edward Coursen & Co.	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Benjamin Long Pltff in Er. vs Palmer Smith & Co.	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

William Collins Pltff in Er. vs Isaac Noble	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Friday January 24th 1840 Continued.

Corp. Corlies. Sff in Er.	The argument of this
&c. vs	cause was commenced
Edwd Cornell Governor	by Mr Lansing for the
&c. Defts. in Error.	Plaintiff in Error.

Benjamin Corp. Sff in Er.	Mr Thompson of Counsel
&c. vs	for the defendants in Error
Palmer Smith & Co.	having filed the following

Suggestion in writing viz "Counsel for the defendants in this case suggests the death of Palmer Smith one of the Co. Plaintiffs in the Court below and prays the case may remain and survive in the name of Gordon Smith. Now here moved the Court that this cause be continued in the name of Gordon Smith the surviving partner of the late firm of Palmer Smith & Co. with liberty to defend this writ of Error. On consideration whereof it is now here ordered by the Court that this cause be and the same is hereby continued in the name of the said Gordon Smith. . .

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday January 25th 1840.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqr Marshal

William Thomas Carroll Clerk

Prayers by the Revd Mr Hawley

George Watson Esqr	The argument of the
vs	cause was concluded
Charles Lawrence Executor	for the Plaintiff in
& the Farmers & Mechs	the following manner

Saturday January 25th 1840. Continued.

Wm. L. Mitchell Exr of Thos. Mitchell dec'd 62. Pltff in Er vs Robt Leinoy Defdt	Mr Coleman of Counsel for the Defendant in Error moved the Court to remand the writ of Error for the want of prosecution which was opposed by Mr Mitchell whereupon the Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider. —
Polly alias Polly Sargent &c 45. vs Richard E. Haviland Defdt	This cause having been called for argument the Counsel appearing to argue the same It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. —
Isaac L. Preston Exr of James Brown Pltff in Er 46. vs Richard N. Rowe —	Mr Hastings suggested the death of Richard N. Rowe the defendant in Error in this cause who has moved the Court for leave to have Rowe the same and moved for leave of the said Richard N. Rowe deceased

Saturday January 23rd 1841 Continued. —

to have a Jury and replevied in Case — in the same behalf for the Defendant in Case against the Plaintiff in Case aforesaid — It was then ordered by the Court that the Issue Joined for the said Plaintiff and that the appearance of the said Thomas Reese the widow and executrix &c of the said Richard R. Reese deceased be and the same is hereby entered as defendant in Error in this Cause. —

Proclamation being made the Court is adjourned until Monday morning next ten o'clock. —

Monday January 3d 1842.

Pursuant to adjournment of the court on the morning of the Eighteenth

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
Henry M'Kinley
John Catron
John Mc Lean
James M. Wayne
Philip P. Barbour
John Catron

Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened

On motion first made to the court in this case by Mr Griffin. It is ordered that H. Gold Pearce Esquire of the State of Connecticut be admitted a practitioner and counsellor of this court and he was sworn accordingly &c

Monday January 27th 1840 Continued.—

Isaac T. Preston Exr of Isaac Bacon Jeffords vs Richard R. Bacon	Mr Chase of Counsel for the defendant in Error now here moved the Court to permit the cause to be placed at the foot of the docket, & took Mr Coleman in behalf of the plaintiff in Error absent. Whereupon it is now here ordered by the Court that this cause be and the same is hereby permitted to be placed at the foot of the docket under the 35th rule of this Court.
The United States vs Lewis A. Egan	Mr Attorney General of Counsel for the plaintiff in Error now here moved the Court to permit the cause to be placed at the foot of the docket, to which Mr Coxe on behalf of the defendant in Error absent. Whereupon it is now here ordered by the Court that this cause be and the same is hereby permitted to be placed at the foot of the docket under the 35th rule of this Court.—

Monday January 27th 1840 Continued.—

Joseph Smith appt by &c vs The Chesapeake & Ohio Canal Company —	This cause having been called for argument and no counsel appearing to argue the same It is now here ordered by the Court that the same be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. —

Richard R. Keene appt vs Theresa Chichester et al	It appearing suggested the death of Richard R. Keene the plaintiff in Error in this cause, now here moved the court for leave to Theresa Keene the widow and universal heir of the said Richard R. Keene deceased to become a party plaintiff in Error in this cause. Whereupon it is now here ordered by the Court that the leave prayed for be and the same is hereby granted, and that the appear- ance of the said Theresa Keene the widow and uni- versal heir of the said Richard R. Keene deceased be and the same is hereby entered as plaintiff in Error with liberty to prosecute this writ of Error—

Monday January 2nd 1854 Continued —

Thomas Keen vrs Thos. Richard R. Keen - Defts.
53. "
Defts of Error & Southern

This cause was called
further to the Consider-
ation of the Court on
the record by the Counsel
of Counsel for the
Plaintiff in Error. —

William Pennington Defts.
53. "
Defts of Error & Southern

On motion of the Counsel
of Counsel for the Defen-
dant in Error. It is
now here ordered by the
Court that this cause be and the same is hereby
Dismissed at the cost of the Plaintiff in Error

Kelly administrator Complt
vs. "
Richard R. Howland Deft

The Writ of error in
the defendant in Error,
now here, moved the
Court to continue this
cause to the next Term of this Court, to which motion
the County on behalf of the Plaintiff in Error opposed
Whereupon it is now here ordered by the Court that this
cause be and the same is hereby Continued to the next Term of the Court.

Henderson Long made the Court acquainted with

1842

Tuesday January 25th 1842

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Hon. the Roger B. Taney Chief Justice.

	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon.ble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqr. Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Ward Commissioner &c. Pltff	This cause having been
vs	called for argument
Oliver O'Hara Agent &c.	and no counsel appearing
	to argue the same. It is

now here ordered by the Court that this cause be and the same is hereby dismissed at the cost of the Pltff under the 33rd rule of this Court.

Sunday January 25th 1914 Continued.

Lewis Eugene Taylor vs. Elizabeth Eugene Taylor	The same having been called for argument and no counsel appearing to argue the same it was ordered by the Court that the same be and the same is hereby dismissed at the cost of the relator under the 37th rule of this Court.
Lewis Eugene Taylor vs. Elizabeth Eugene Taylor	The same having been called for argument and no counsel appearing to argue the same it was ordered by the Court that the same be and the same is hereby dismissed at the cost of the relator under the 37th rule of this Court.
Lewis Eugene Taylor vs. Elizabeth E. Taylor	The same having been called for argument and no counsel appear- ing to argue the same it was ordered by the Court that the same be and the same is hereby dismissed at the cost of the relator under the 37th rule of this Court.

Tuesday January 28th 1840 Continued.

Capt Tay's Exr vs. Capt Wm. Tyson	On motion of Mr Coates of Counsel for the plaintiff. It was the order of the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

John Foy. Plff vs. John L. Powell	In Error to the Circuit Court of the United States for the Southern District of Alabama.

Roy of Counsel for the defendant in Error having filed and read in open Court a certificate in the words and figures following, to wit:—

"I Lewis Pitts Clerk of the Circuit Court of the United States for the ninth Judicial Circuit and Southern District of Alabama do hereby certify that here to the Term, on the fifth day of March A.D. One thousand eight hundred and thirty eight John L. Powell sued out of said Court his writ of Capias ad respondendum against the Exr of Hugh McCrea and Robert Dickens on which writ the Marshal of said District made the following return, to wit "Received 10th March 1838 Served on all but the Exr of Hugh Foy, Apl 2, 1838" That afterwards to wit at the August

day of July A.D. Eighteen hundred and forty eight the said John Powell paid out of said Court the writ of Supersedeas & Mandamus against the Jury on which writ the Marshal of said Court made the following return Executed 1st July 1848 and executed on the 2nd 18th September 1848 That afterwards and at the April Term of said Court a judgment was rendered against the said John Kay, Hugh McCan and Peter Adams in favor of the said John L. Powell for the sum of Eight thousand five hundred and sixty eight dollars with interest on said judgment till said sum and costs be paid Whereupon the said John L. Powell obtained a writ of Error and Petition to the Supreme Court of the United States which Petition was granted, and a writ of error was issued and a Bond was filed with George W. Stewart and J. Brown Sheriff on the eighth day of May in the year of our Lord One thousand eight hundred and forty one & duly approved by the said Judge as appears and —

(L.S.) The Testimony of these presents whereof I the said Clerk of said Court have hereunto set my hand and affixed the seal of said Court this 28th day of January A.D. 1840

Tuesday January 28th 1840. Continued

of December in the year of our Lord one thousand eight hundred and thirty nine. — Dawd Giles Clk. U.S. Ct Sou. Dist. Ala."

and having stated that the plaintiff in Error had altogether failed to file the record of said Case in this court so as to pray a writ of Error, Now here moved the Court in pursuance of the 43d rule of this court to have this writ of error docketed and dismissed — On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of Error be and the same is hereby docketed and dismissed with costs — and that this cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding. — Ph. W. Ch. Roger Taney.

William B. Cook vs. Camp and Grigg.	On appeal from the Circuit Court of the United States for the Southern District of Mississippi.

Mr Nicholas of counsel for the appellee having filed and read in open court a certificate in the words and figures following, viz.

Tuesday January 18th 1842 Continued..

"United States of America.

Southern District of Mississippi.

Circuit Court of the United States for said District. I William Cook Clerk of said Court do hereby certify that in the following Entitled Cause viz.

William B. Cook. Complainant's
against
Comfs V Gaines. Defendants

Decree at May Term 1837 of the Circuit Court of the United States for the District of Mississippi dismissing the original and declining the Complainants Bill and Costs and appeal now prayed by the said Comfs to the Supreme Court of the United States which said decree upon which appeal was granted upon giving Bond & Security was given by said Comfs according to the order of said Court.

In testimony whereof I have hereunto set my hand and affixed the Seal Seal of our said Court the 12th day of December A.D. 1841 and in the 66th year of the Independence of the said United States.

Wm B Cook Clk"

And Comfs filed here the aforesaid Bond

Tuesday January 28th 1840 Continued

altogether failed to file the record of said cause in this court, or in any way to prosecute said appeal, now here moved the court in pursuance of the 43d rule of this court to have this appeal docketed and dismissed - On Consideration whereof It is now here ordered, adjudged and decreed by this court that the appeal be and the same is hereby docketed and dismissed with costs and that this cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern district of Mississippi for further proceedings to be had therein according to law and justice the said appeal notwithstanding -

Ord. to be Ent. Tuesday

William Remington
vs.
Joseph Griffin &c
Heirs of Thos. M. Smithson

The argument of this cause was commenced by Chr. Read for the Plaintiff in Error continued by Rich. Harlan & Cox for the defendant in Error and concluded by Mr. Read for the plaintiff in error -

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Proclamation being made the Court is adjourned until to morrow morning at eleven oclock. -

Wednesday January 29th 1840.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
Do Duvall	Henry Baldwin	Justices
	James M Wayne	
	Philip P Barbour	
	John Catron	

Benjamin Homer Esqr Attorney General

William Thomas Carroll Clerk

Proclamation being made the Court was opened

On the opening of the Court this Morning Mr Crittenden the Attorney General made the following remarks

I have been requested by the Bar to perform the melancholy duty of announcing to the Court the death of Thomas Swann, and respectfully soliciting permission to have recorded among the records of this high tribunal

Wednesday January 29th 1840 Continued

the profession of their regret for his memory and
their praise for his character, as a lawyer and a man.
It is a pain which he has often incurred by the
exercise of his genius and distinguished profes-
sional ability - among those who knew & after died
his friends and associates, the mild beneficence of his
deportment and his unsullied probity and worth.
It would be vain for me to attempt an enumer-
ation of the traits and incidents which are felt with more truth
than I have the ability to delineate them. He was
constantly called on through a long life to discharge
important public and private trusts and his only
reward for this, by him most prized, would have
been the approbation of the Chief minister of the
profession to which he was devoted, & I will
assured that I shall not ask the Court, without
success, to add that function to the sincere and
spontaneous testimony of the Brethren of the Bar.
And I now move the Court in pursuance of
the 4th resolve contained in the reference proceed-
ings of the Bar and officers of the Court to have
said proceedings entered on the records of this Court -

Whereupon the Chief Justice Taney replied -

"We could receive with great sensibility

the Common Law mourn by the Bar. At the death of Mr Sumner we feel that we have lost not only an eminent Lawyer to whom we have often listened with pleasure but also an esteemed and valued friend, whose kind heart and upright principles commend him & will ever keep him an opportunity of knowing him. We desire to express our sympathy with his family in bearing to the mourning, the honor he justly merited.

Whereupon it is ordered by the Court that the following proceedings be entered upon the minutes, viz

At a meeting of the Gentlemen of the Bar of the Supreme Court of the United States, and of the officers of the Court, at the Court Room in the Capitol, on Sunday the 28th instant —

The Honorable Samuel L. Southard was appointed Chairman and Francis S. Key appointed Secretary —

The following resolutions were submitted by Mr Walter Jones and unanimously adopted —

Resolved that the Members of the Bar and the officers of this Court feel with deep sensibility the loss which the profession and the Country

Wednesday January 29th 1862 Continued

were entered on the death of Thomas Sloan, a member of the Bar.

Resolved that we cherish the highest respect for the professional learning of the deceased, for the purity and uprightness of his professional life, and for the amiable and excellent qualities which distinguished him as a man.—

Resolved that to testify these sentiments we will wear the usual badge of mourning for the residue of the term.—

Resolved That Mr Stephen the Attorney General of the United States do move the Court that these resolutions be entered upon the minutes of their proceedings.—

The motion first made to the Court in behalf of Mr Webster. It is ordered that the first Esquire of the State of Alabama and first Esquire of the State of Virginia be admitted to practice as Attorneys and Counsellors of this Court and they are severally sworn accordingly

Wednesday January 29th 1840. Continued.

On motion it is ordered by the Court on this behalf by Mr. Coxe - It is ordered that William Price Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was accordingly

Thomas Hammond, use &c. vs. George Washington's Exrs.	This cause having been called for argument and no Counsel appearing to argue the same - It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. -
Estate of John Holker use &c. vs. William Simon Exr.	This cause having been called for argument and no Counsel appearing to argue the same - It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. -

Wednesday January 2d 1811 Continued

William G. Cook Appellant vs. John K. Moffat Def'dt	This cause having been once set for argument and no counsel appearing to argue the same. It is now here ordered by the Court that the cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.
James Taylor appellant vs. Nicholas Longworth Def'dt	This cause was submitted to the Consideration of the Court by Mr Sargent for the appellant & Hunter against.
The United States appellants vs. Elizabeth Riggs	The argument of this cause was commenced by Mr Key for the appellant & continued by Mr Downing for the appellee and concluded by Mr Attorney General for the appellant.
Appeals: In the Matter of The United States vs. The Mayor Aldermen and Inhabitants of New Orleans	Ruled on the docket Copy of the United States for the Eastern District of Louisiana to show cause &c. Mr Attorney General

Wednesday January 27th 1841 Continued.

Having suggested to the Court that the United States have ceased to have any interest in the matter in which the rule in this case now obtained, now here moved the Court that the rule granted in this cause be discharged and that this cause be dismissed, to which Mr Webster of counsel for the defendants in the said rule then present, consented whereof it is now here ordered by this Court that the rule granted in this case be and the same is hereby discharged, and that this case be and the same is hereby dismissed.

Jos. Mc Ch. Jus. Dy.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

4130.

Thursday January 30th 1840.

Pursuant to adjournment the court met this morning at the Capitol.—

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hons.	Henry Baldwin	Justices.—
	James M. Wayne	
	Philip P. Barbour,	
	John Catron.—	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the court is opened.—

The United States appellt	This cause having been
vs	called for argument and
John Rodman, appellee &c	no counsel appearing to
	argue the same. It is now

here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.—

Thursday January 30th 1840. Continued.—

The United States. appltt
12. vs
Joseph Delaspine's heirs.

This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.—

The United States appltt
13. vs
Eleazer Waterman's heirs.

This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

The United States. appltt
14. vs
John Forbes' heirs.

This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

Thursday January 30th 1840. Continued.

The United States appltt 15. vs Joseph Delespine	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.
Susan Maybury appltt 21. vs John McPherson Brown & Co	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.
Albert St. LeValenguis admr &c 22. vs Jeff in Er John H. Duffy	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

Thursday January 30th 1840 Continued.—

Chas F. Gunnell pltff in Er vs Jefse of Walter Dunn Defdt.	This cause having been called for argument and and no counsel appearing to argue the same. It is now here ordered by the Court that the cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.
Alexd Martin Defdt — vs Jefse of Wm G H Waddell —	This cause having been called for argument and no counsel appearing to argue the same — It is now here ordered by the Court that the cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this court. —
Colin Mitchel Jun. Appellt vs The United States —	On motion of Mr Key Counsel for the appellee. It is now here ordered by the Court that this cause be and the same is hereby continued to the sept. term of this court —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Friday January 31 1840.

Pursuant to adjournment the court met this morning at the capitol -

Present -

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices -
	James M Wayne	
	Philip P. Barbour	
	John Catron	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the court is opened -

Commonwealth Bank of Kentucky.
vs.
Thomas Griffith et al. --

Mr Crittenden of counsel for the plaintiff in error having suggested to the court the deaths of Thomas Griffith and Elisha McClelland two of the defendants in error in this cause now here moved the court that this cause should stand on the docket in the name of the survivor Thomas M.

Friday January 31 1840 Continued.

Collier as sole defendant in Error. On Consideration whereof It is now here ordered by the Court that the writ of error be prosecuted against the said Thomas W. Collier Survivor as aforesaid and that the cause be continued on the docket in his name as sole defendant in Error. —

Thos Peters & Thos Peters jr	On motion of Mr Webster
30. To Jeffn —	of Counsel for the Plaintiffs
Williamson Thos & Company	in Error It is now here
	ordered by the Court

that this cause be and the same is hereby postponed to the next of the dockets under the 35th rule of this Court. —

Archibald R. Smith Jeffn in Er—	On motion of Mr Key of
32. To	Counsel for the Plaintiff
Alfred. Claspe — — —	in Error. It is now here
	ordered by the Court that

the Cause be and the same is hereby continued to the next term of this Court —

Commonth Bank of Kentucky	This Cause was submitted
34. To Jeffn in Er	to the Consideration of the
Thomas W. Collier —	Court on the record & mot.

Ewing & Crittenden of Counsel for the Plaintiff in Error. —

Friday January 31st 1840 Continued.—

Ann Bryce Adm. appt.
33. vs
The United States —

On motion of Mr Attorney General of Counsel for the appellee. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 38th rule of this Court.—

William A. Carr - appt
36. vs
Samuel H. Duval Adm

The argument of this cause was commenced by Mr Coxe for the appellant and continued by Mr Crittenden for the appellee.—

Commonwealth Bank of Kentucky -
34. vs
Thomas W. Collier —

On motion of Mr Meyer sis of Counsel for the defendant in this cause. It is now here ordered by the Court that leave be and the same is hereby granted to him to submit a printed argument in this cause on behalf of the defendant in error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Saturday February 1 - 1840

Pursuant to Adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P Barbour
John Catron

Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On Motion first made to the Court in this behalf by Mr Wantup. It is ordered that A. G. Hunt Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Saturday February 1st 1840. Continued

William & James Brown & Co vs. Thomas M'Crea	In Error to the Circuit Court of the United States for the District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia and was argued by counsel. On consideration whereof It is the opinion of this court that there is error in such of the instructions given to the jury by the said Circuit Court in the said record mentioned. Whereupon It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — P. V. Mr. Jus. Story —

Dissenting Justices M'Lean & Catron. —

George Runyan Plff in Er vs. Richard Smith, Lessee of John G. Coster & Thomas R. Mercein who survive & his Heir.	In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania. —

This cause came on to be heard on the tran-

Speight of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel - On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Jos. M. Hu: Thompson

Archibald R. Smith
vs
Silas E. Casey

Mr. Tod of Counsel for the defendant in Error moved the Court to strike out the Continuance en

tered in this cause and to let the same stand over for argument at the present term which was op

posed by Mr. Key of Counsel for the Plaintiff in Error - Whereupon The Court not being now fully advised of and concerning what judg

ment to enter in the premises took time to consider

The United States
vs
Samuel R. Wood

Mr. Maxwell of Counsel for the defendant now here moved the Court to substitute this Cause for argument in the place of No. 37. to which

Saturday February 1st 1840 Continued.

Mess^rs Mason General & Evans appellee. Whereupon it is now here ordered by the Court that said motion be and the same is hereby overruled. —

William A. Carr. appl^t
35 "
Samuel H. Laval & al

The argument of this cause was continued by Mr Jones for the appellees and concluded by Mr Webster for the appellant. —

Commonw^th Bank of Kentucky
34 "
Thomas W. Collier —

Mr Mayenes of Counsel for the defendant in Error now here moved the Court to dismiss this writ of Error for the want of jurisdiction which was opposed by Mr Crittenden of Counsel for the plaintiff in Error. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Monday February 3d 1840. . . .

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron —

The Honble Alexander Hunter Equire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Peters- It is ordered that Garrick Mallory Esqre of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he has been accordingly —

Monday February 3d 1840 Continued –

On motion first made to the Court in this behalf by Mr Evans. It is ordered that Nathan Clifford Esquire of the State of Maine be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. –

Uriah G. Mitchell. Jeff in Er. vs Frederick G. Cook.	In Error to the Circuit Court of the United States for the Southern District of Alabama. –

Mr Key of counsel for the defendant in Error having filed and read in open court a certificate of the Clerk of the Circuit Court of the United States for the Southern district of Alabama in the words and figures following viz "I David Files Clerk of the Circuit Court of the United States for the Ninth Judicial Circuit and Southern district of Alabama do hereby certify that heretofore, to wit on the Ninth day of March A. D. 1838 Frederick G. Cook sued out of said Court his writ of Capias ad respondendum against George S. Walker and Uriah G. Mitchell, in which writ the Marshal of said District made the following return to wit 'Not found.' That afterwards to wit on the eleventh day of July A. D. 1838 the said Frederick G. Cook sued out of said Court his alias writ

Monday February 3d 1840. Continued.

of capias ad respondendum against the said George A. Walker and Noah G. Mitchell on which writ the Marshal of said District made the following return, Recd Rendered Sept 10th 1838. Executed on Mitchell the 15th August 1838 R. S. Crawford M.S.M.D. By S. White D.M. —

That afterwards, to wit, at the April Term A.D. 1839 of said Court a judgment was rendered in favor of the said N. G. Lock against the said N. G. Mitchell for the sum of fourteen thousand five hundred and twenty nine dollars besides cost of Suit. And that afterwards, to wit, during the same Term of said Court and before the adjournment thereof a Bond was filed by the said N. G. Mitchell with George A. A. Walker, George A. B. Walker and William Bowen Sureties, whereby the said judgment was superseded. —

In Testimony Whereof at office in the City of Mobile I have hereunto set my hand and affixed the seal of said Circuit Court this twenty fourth day of December in the year of our Lord one thousand eight hundred and thirty nine. —

Seal

David Files. Clk. C.C. So. Dist. Ala'a

And having stated that the said plaintiff in Error

Monday February 3d 1840 Continued

had altogether failed to file the record of said case in this court, or in any way to prosecute said writ of error. Now here moved the Court in pursuance of the 43d rule of this court to have this writ of error docketed and dismissed. On Consideration whereof. It is now here ordered and adjudged by this court that this writ of error to the Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said writ of error notwithstanding. —

Ft Mr Ch. Jus. Taney. —

The Schooner Emperor, Anthony C. Richards owner Appts. vs. The United States	On appeal from the Court of appeals for the Territory of Florida.

Mr Attorney General of Counsel for the appellee having filed and read in open court a certificate of the Clerk of the Court of Appeals for the Territory of Florida in the words and figures following, to wit. —

"Court of Appeals of the Territory of Florida. January Term 1839.

The United States of America } On appeal from a decree
versus } in admiralty of the Superior
The Schooner Emperor — } Court for the Western
District of Florida —

Monday February 3d 1840 Continued.—

18th day of February 1839—

Present the Hon. Robert R. Reed only Assg Judge

" Richard C. Allen

" Dillon Saunders & Associate Judges—

This day came the parties by their Proctors whereupon the Court having fully considered the Transcript of the record of the decree aforesaid It is therefore ordered that the same be reversed annulled and set aside, and that the appellant recover against the appellee its costs about its suit in this behalf expended — And it is further ordered that the Schooner Emperor her tackle, appurtenances be condemned and forfeited, and the proceeds thereof in the Registry of this Court to be distributed according to law.—

And afterwards to wit on the said 18th day of February 1839 came the appellee by its Proctor and prayed an appeal to the Supreme Court of the United States which was granted on the condition of the appellee entering into bond in the penal sum of Five hundred dollars within thirty days from this conditioned for the payment of all costs which may accrue in said Court. —

And afterwards, to wit on the 11th day of March 1839 came Charles C. Cox and filed the following

Monday February 3d 1840 Continued.-

appeal Bond Court —

"Know all men by these presents, that we, Anthony G. Richards, owner of the Schooner Emperor by Charles E Cox his agent, John T. Hackler, M. L. Armstead and Thomas Brown, are held and firmly bound unto the United States of America in the penal sum of five hundred dollars. to the payment whereof we bind ourselves, our heirs, executors, administrators and assigns jointly and severally firmly by these presents. Signed and Sealed this 16th day of March A.D. 1839

The condition of the obligation is such that whereas the said Anthony G. Richards has prayed an appeal to the Supreme Court of the United States from a decree of the Court of Appeals for the Territory of Florida rendered at the January Term 1839 reversing a decree of the Superior Court for the County of Escambia in said Territory dismissing a libel for forfeiture of the Schooner Emperor. —

Now therefore if the said Richards shall pay all costs that may accrue or be awarded against the Schooner Emperor by the said Supreme Court of the United States in the case aforesaid then this obligation to be void. otherwise to remain in full force and virtue. —

Monday February 3d 1840 Continued.—

Signed Sealed & acknowledged in the presence of
R. G. Wellford, Clk.

Anthony C. Richards
owner of the Schooner Empress
by Charles C. Cox his agent (Seal)
John F. Rackler (Seal)
M. A. Armistead (Seal)
Thos Brown (Seal)

I Richard G. Wellford Clerk of the Court of Appeals for the Territory of Florida do hereby certify that Charles C. Cox has failed to pay for the record of said case and that the Record now remains in my office and that the foregoing is a true copy of the decree and order of Appeal of said Court and the appeal Bond filed in said case of the Schooner Empress.—

In Testimony Whereof I have hereunto set my hand and seal of said Court this the fifteenth day of January A.D. 1840 and the sixty fourth year of American Independence— R. G. Wellford

(Seal)

Clk of Ct of Appls of Florida.—

and having stated that the appellant has altogether failed to file the record of said case in this Court or in any way to prosecute said appeal, now here moved the Court in pursuance of the 43d rule of this court to have this appeal from the Court of Appeals for the

Monday February 3d 1840. Continued –

Territory of Florida be and the same is hereby doctrine and dismissed, and that this cause be and the same is hereby remanded to the said Court of Appeals for the Territory of Florida for further proceedings to be had therein according to law and justice the said appeal notwithstanding. – P. M. Ch. Jus Taney. –

The Washington Bridge Company } appeal from the Circuit
vs } Court of the United States
24. } for the District of Columbia
William Stewart, James } holden in and for the County
Stuart & John Glenn } of Washington –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel – On consideration whereof. It is now here ordered and adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. –

P. M. Ch. Jus. Taney. –

Monday February 3d 1840. Continued. —

John L. Mitchell Executor &c Lessee of Hinson Mitchell and 62. vs Jeffries Ex. Robert Lenox, John Johnston & James L. Taylor Executors of John Taylor, dec'd and John Jay, Respon- dents, and others Defendants. —	In Error to the Chancellor of the Court of Chancery of the State of New York. — This cause came on to be heard on the Transcript of the record from the Court of Chancery of the State of New York returned with the writ of Error in this case, and was argued by Counsel — on consideration whereof, It is ordered and adjudged by this Court that this writ of error to the Court of Chancery of the State of New York be and the same is hereby dismissed for the want of jurisdiction, and that this cause be and the same is hereby dismissed for the want of jurisdiction. P.P. Mc Ch: Ms. Taney
Archibald K. Smith Jeffries Er 32. vs Alfred Clapp —	On consideration of the motion made in this case by Mr Dent of Counsel for the Defendant in Error on last Saturday the first instant. It is now here ordered by the Court that the order of continuance entered in this case on Friday last the 31st ultimo be and the same is hereby rescinded and that

Monday February 3d 1840 Continued –

this cause be set down for argument at the present term of this court. –

The United States pff in Er 37. to Jacob Knight et al.	The argument of this cause was commenced by Mr Mcleary Genl for the plaintiff in Error, continued by Mr Evans for the defendants in Error and concluded by Mr Mcleary Genl for the plaintiff in Error. –
Oliver O'Hara et al. – 38. to appelts The United States –	On motion of Mr Mcleary Genl of counsel for the appellee. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court –
Chas Nave pff in Er 41. to Evans Commonwealth Etal	The argument of this cause was commenced by Mr Key for the plaintiff in Error

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. –

Tuesday February 4th 1840. —

(Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honble Roger B Taney Chief Justice —

Joseph Story
Smith Thompson
Hen McLean
Henry Baldwin
James M Wayne
Philip P Barbour
John Catron —

The Honble Associate Justices —

Alexander Hunter Esqre, Marshal
William Thos Carroll Clerk. —

Proclamation being made the Court is opened. —

Elias Kane - Plff in Er vs. Edward Coursault's Exr	The argument of this Cause was continued by Mr Key for the plaintiff in Error, & Mr Coxe for the defendant in Error, and concluded by Mr Key for the Plaintiff in Error —

Tuesday February 4th 1840 Continued -

Henry Brush Apl't vs John H. Ware Adv't	The Counsel for the appellant and appellee having filed an agreement to continue this cause - It is thereupon ordered by this court that this cause be and the same is hereby continued to the next term of this Court. -

Benjamin Long-Plff in Er vs Gordon Smith —	Mr Henderson of Counsel for the defendant in Error having filed and read in open Court the following suggestions in writing, viz: "John Henderson Attorney for defendant in Error in the above entitled Cause States that he was employed to attend to this suit in May last, as then represented to be remaining for trial on record therein filed in this Court. That since defendant left home in November last, another and different record (being the one now stricken) was taken out by the Plaintiff in Error essentially different from two others which had been previously taken out and defendant in Error filed his rejoinder &c. Affidavit on the one now filed was served on the original Counsel of record on 3d of December last and since which defendant has received no instructions to treat the case differently presented though he has written thereon a few days

Tuesday February 4th 1840 Continued.—

previous to the setting of this term.—

It is known to this deponent that the present record does not present the case in its full and entire condition as it appears of record in its various proceedings in the court below—and if here presented deponent is advised might materially change the matters of enquiry and supervisance before this court in this court— That since rendition of the judgment in the record here filed Execution has been levied and forthcoming bond taken which has become forfeited and gone into an office Judgment against all the obligors. And that by the laws of the State of Mississippi no error in the original judgment can be heard after such a satisfaction— Also that since said original judgment it is known to deponent the matters thereof have been reviewed in the Court below on the Equity side of said Court on the Bill of Injunction filed by the defendant Long. whereupon proceedings on said judgment were for a time enjoined, and which injunction by the laws of Mississippi is permitted only on release of errors in the judgment enjoined.— These records and proceedings are regarded by deponent as necessarily appertaining to the rightful decision of the case here and which he believes were

Tuesday February 4th 1840 Continued —

formerly put here though such as not now accompany the record filed — suggesting diminution of record in these respects he prays the order of this court to the clerk below that a full record including these proceedings may be sent up and that the case there be continued. Deponent believes they can be procured by the next Term of this Court and he apprehends justice may not be done on hearing of this cause without them — And that this affidavit is not made for delay but is meant as correct exhibition and trial of the case.

John Henderson, Atty for defts in Error

Now here moved the Court for a writ of Certiorari — which was opposed by Mr Cope of Counsel for the plaintiff in Error — Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 3rd 1841 —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean Associate
The Hon.ble Henry Baldwin Justices.
James M. Wayne
Philip P. Barbour
John Catron —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr Webster. It is ordered that John Wallis Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly —

Wednesday February 5th 1840 Continued

Benjamin Longstreth in Er 42. vs Gurdon Smith —	On consideration of the motion made in this cause yesterday by Mr Anderson of Counsel for the defendant in Error and of the arguments of Counsel thereupon had as well against as in support of the motion — It is now here ordered by the Court that the said motion be and the same is hereby overruled. —

The Lessee of William Stanbury's Heirs. — Plaintiff in Er. 43. vs Lewis Kibbe —.	The argument of this cause was Commenced by Mr Fox for the Plaintiff in Error, continued by Mr King for the defendant in Error and concluded by Mr Webster for the Plaintiff in Error. —

Order of Court, amending the 36th rule of Court. —

It is ordered by the Court that the rule No 36. passed at January Term 1830. be altered so that the last sentence thereof shall read as follows, "Every cause which shall have been twice called in its order and passed and put at the foot of the docket shall if not again reached during the term at which called be continued to the next term of the Court. —

Proclamation being made the court is adjourned until tomorrow

Thursday February 6th 1840.

Pursuant to adjournment the Court met this morning at the Capital -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
Alexander	Hunter Esquire	Marshal.
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened.

Isaac T. Preston, Exr of	The argument of this cause
James Brown jeff in Er	was commenced by Mr Crittenden for the Plaintiff in
&	Error, and continued by
Thomas Keene —	Mr Key for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Friday February 7th 1840.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Isaac T. Preston Exor of James Brown plff in Er	The argument of this cause was continued by Mssrs Key and Jones for the Defendant in Error
46. vs ...	
Theresa Keene ...	

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

Saturday February 8th 1840. —

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable Roger B. Taney Chief Justice —
Joseph Story
Smith Thompson
John McLean Associate
The Honble Henry Baldwin Justices.
James M Wayne
Philip P Barbour
John Catron —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that F. W. Pollen Esquire of the State of Maryland be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly. —

Saturday February 8th 1840. Continued

The United States plff in Er.
vs.
Edmund Knight, Jacob Knight,
Benjamin Knight & Isaac Knight

In Error to the Circuit Court of the United States for the District of Maine.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maine and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed.

P. V. Dan. Justice.

Ambrose Walden — — — — — Appellant —
vs.
Harry L. Bodley, William T. Bodley, William H. Hurst and Ann L. his wife, Edmund B. Church and Maria his wife, John T. Bodley, Catherine E. Bodley, Thomas Bodley, Ellen P. Bodley, George W. L. Bodley, Catherine H. Bodley, James Pogue, John Pogue, Lindsay Pogue, Eason Pogue, Robert Pogue, Samuel Garrison, William Andrew Mackey, John Fallon, Nancy Fallon, Thomas Fallon, Amanda Fallon, James Campbell, Mary Campbell, James Finney & Nancy Finney, Henderson Duncan, Jefferson Duncan, Mitchell Duncan, William Duncan, Jane Duncan,

Saturday February 8th 1840 Continued.

Martha Duncan Benjamin Duncan, Joseph Duncan Jane Duncan, Elizabeth Duncan, Judith Lacy, Susan Lacy, Thomas Lacy, Charles Lacy, Walter Lacy, Daniel Lacy, Daniel Clark, Susan Lemmell, Daniel Clark, Mary H. McMillan, Jonathan Rose, Benjamin Chastead, Robert Taylor, Robert Taylor Jr., John D. Taylor, Elija Tanarige and William Drake ——

On appeal from the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by Counsel. On consideration whereof. It is now here ordered and adjudged and decreed by this Court that the decree of the said Circuit Court in the cause therein by the said Circuit Court be and the same are hereby affirmed with the modification that the cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to take such further steps in regard to the improvements, and to the selling of Walden or his representatives in proportion of the premises recovered in the ejectment suits as shall

Saturday February 8th 1840. Continued.

be conformable to the decree thereby affirmed, and to the principles of Equity. — .....

Jr: Mr Justice McLean —

Isaac T. Preston Exor of James B. Brown — vs. Therese Keene —	The argument of this cause was continued by Mr Jones for the defendant in Error, and concluded by Mr Clay for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday February 10th 1840.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Court	Henry Baldwin	Justices -
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander McRae Esqr Marshal

William Thomas Carroll Clerk -

proclamation being made the Court opened

James West and John Hopkins Tunnel Mifflin and Henry Hyon Trustees of said West, and Thomas M. Willing and Henry Dixon late of the Firm of the Bank of Pennsylvania

vs

Walter Burrows —

On appeal from the Circuit Court of the United States for the District of Kentucky -

This cause came on to be heard on the transcript of the record from the Circuit

Monday February 10th 1840 Continued.

Court of the United States for the District of Kentucky and was argued by Counsel. On Consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

Jr. Mr. Ch. Jus. Taney. —

Peter C. Grundy. appt
vs
Franklin Buche, assignee of
John Delaware &c. —

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. —

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

Jr. Mr. Ch. Jus. Taney —

Monday February 10th 1840. Continued. —

Benjamin King Plff &c. vs. London Smith — Defts

The Counsel for both Plaintiff and Defendant in this having filed an agreement in writing in the words and figures following, viz. "It is agreed by and between the Counsel in the above case, that the same be continued until the next Term of this Court. That on the argument of the same either party be at liberty to resort to the other records in the cases growing out of the above, the one in Equity the other at Common Law, which records are now Docketed in the office of the Clerk of this Court. That the same shall be available as if pleaded to the aforesaid argument of errors, subject to all legal objections to the same, as if such objections were taken in the most formal manner. —

February 10 1840. — Rich^d S. Coxe Atty for Plff in Error.
John Henderson Atty for Def^t in Error"

And it is thereupon now here ordered by the Court that this cause be and the same is hereby Continued to the next Term of this Court. —

Monday February 10th 1840. Continued.

Joseph Smith - appt vs The Chesapeake & Ohio Canal Company.	The argument of this cause was commenced by Mr Semmes for the appellant continued by Messrs Key and Jones for the appellee and concluded by Mr Lee for the appellant

The State of Rhode Island &c vs Compt The Commonwealth of Massachusetts.	Bill in Equity. Messrs Hazard & Whipple of Counsel for the Complainant now here moved the Court that the plea of the defendant may be set down for hearing on Thursday the 19th instant. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises doth time to consider.

Merrit Martin vs Hoffman &c. vs Lessee of Wm C. K. Woodall	Mr Wirt of Counsel for the plaintiffs in Error having stated that himself and his associate Counsel Mr Ward had been employed in this case by the State of New Jersey, which was deeply interested in the case and desirous of an early decision as much as the was apprehensive of scenes of riot and violence,

Monday February 10th 1840. Continued

now here moves the Court to appoint an early day for the hearing of the same. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises doth forbear to consider. —

The United States plaintiffs in Error
vs
Cornelius A. Ogden —

Mr Attorney General of Counsel for the plaintiff in Error moved the Court to continue this cause, which was opposed by Mr Key of counsel for the Defendant in Error who moved the Court to dismiss the writ of Error on the ground that it is addressed to the District and Circuit Court of the United States for the Southern District of Alabama. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises doth forbear to consider. —

At the opening of the Court this morning Mr Gilpin the Attorney General of the United States made the following remarks, —

I have been requested, by a meeting of the members of the Bar and officers of the Court, to present a copy of the resolutions they have

Monday February 10th 1840. Continued.

acceded on being apprized of the death of Joseph M. White of Florida, and respectfully to ask that with the approbation of the Court they may be inserted among the records of its proceedings.

These records already give abundant and various evidence of the distinguished legal ability of Mr White, and the debt of gratitude that is due from his associates, for the profound researches he made in branches of jurisprudence not previously brought to the notice of the profession, for the light his own intellect has shed upon them, and for the collection of authentic and necessary documents which his zeal and industry have made. Such acts entitle him to the grateful remembrance of his professional brethren, but with those he united an amenity of manners and a generosity of disposition which secured him also their strong personal affection and regard. In bearing their testimony to his merits, and in expressing their feelings on his death they will derive no small gratification if this evidence of them is permitted to be placed on the archives of that tribunal, whose approbation is among the highest rewards to which an american lawyer can aspire.

I move in accordance with one of

Monday February 10th 1840. Continued. -

the resolutions to which I have referred that these proceedings of the members of the Bar and officers of the Court, be ordered among its records."

To which Mr. Chief Justice Taney made the following reply.-

"The Court will cordially unite with the Bar in paying the proper honors to the memory of Mr White. His learning high character and amiable deportment had won for him the respect and esteem of the Court, and we sincerely deplore his loss. He has been cut off in the prime of his life and in the midst of his usefulness, but his last work upon a highly important branch of the law, will be an enduring monument of his talents and industry.-

. . . The Court will order the proceedings of the Bar to be entered of record according to their request."-

Whereupon it is ordered by the Court that the following proceedings be entered upon the minutes. viz. - At a meeting of the Gentlemen of the Bar of the Supreme Court of the United States and of the officers of the Court at the court room in the Capitol on Tuesday the 4th of February 1840.

. The Honorable Samuel L. Southard was

Monday February 10th 1840 Continued -

called to the chair and Genl Walter Jones appointed Secretary -

The following resolutions were submitted by Joseph R. Ingersoll Esquire and unanimously adopted - Viz:-

Resolved, That the members of this Bar, and the officers of this Court, feel with deep sensibility the loss which the profession and the Country have sustained in the death of Joseph H. White a member of this Bar.

Resolved, That we cherish the highest respect for the professional learning of the deceased, for the purity and uprightness of his professional life and for the amiable and excellent qualities which belonged to him as a man. -

Resolved, That in testify these sentiments we will wear the usual badge of mourning during the residue of the Term. -

Resolved, That Mr Gilpin, the Attorney General of the United States do move the Court that these resolutions be entered upon the minutes of their proceedings. -

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Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Tuesday February 10th 1840.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice,
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqre Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the court is opened.

On motion first made to the court on the behalf by Mr Henderson. It is ordered that Stephen Cocke Esqre of the State of Mississippi be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday February 11th 1840. Continued –

The President and Directors of the Bank of the Commonwealth of Kentucky. Plffs in Er.
vs
Thomas Griffith, Thomas M Cotten and Archie McClelland

In Error to the Supreme Court of the State of Missouri holden at the Town of Fayette, in the County of Howard, in and for the first Judicial District of said State. –

This cause came on to be heard on the Transcript of the record from the Supreme Court of the State of Missouri holden at the Town of Fayette in the County of Howard, in and for the first Judicial District of said State, and was argued by Counsel – On Consideration Whereof It is now here ordered and adjudged by this Court that this writ of error to the said Supreme Court be and the same is hereby dismissed for the want of jurisdiction. –

Jos. Mc Kinley Ch. Jus. Taney &c

The President Directors & Company of the Bank of the Metropolis. –
vs
Edward Dyer & Francis B. Dyer. –

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. This cause came on to be heard on the Transcript of the record from the Circuit

Tuesday February 11th 1840 Continued.

Court of the United States for the County of Washington and was argued by Counsel. On consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

P. V. Ch. Justice Taney. —

The United States for Use &c
vs
Cornelius A. Cyden —

In Error to the District Court of the United States for the Southern District of Alabama. —

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Alabama and was argued by Counsel. On consideration whereof. On consideration whereof. It appearing to the Court that this writ of error is addressed to the District instead of the Circuit Court and therefore irregular. It is thereupon now here ordered and adjudged by this court that this writ of error be and the same is hereby dismissed. —

P. V. Ch. Jus. Taney. —

Tuesday February 11th 1840. Continued.

The State of Rhode Island &c vs Compl't The Commonw'th of Massachusetts	On consideration of the motion made in this cause yesterday by Mess'rs Hazard & Whipple of counsel for the Complainant and of the arguments of counsel thereupon had as well in support of as against the motion. It is now here ordered by the court that the plea of the defendant in this cause be and the same is hereby set down for argument on Wednesday the 19th inst.

Merit Martin vs Pff's & 28 vs Depu of Sh'ff & Wardell	On consideration of the motion made in this cause yesterday by Mr. Hall of Counsel for the Plaintiffs in Error. It is now here ordered by the court that said motion be and the same is hereby overruled —

Jacob Haverman Claim't's &c vs Apt'ts Elisha C. Dana, Agent &c —	This cause having been called for argument and no counsel appearing to argue the same. It is now here ordered by the court that this cause be and the same is hereby postponed to the first of the docket under the 36th rule of this court. —

Tuesday February 11th 1840 Continued.—

Philadelphia & Trenton Rail Road Company. vs. Stiffman & James Simpson	The argument of this cause was commenced by Mr Cox for the plaintiff in Error and continued by Mr A. J. Ingersoll for the defendant in Error —

Proclamation being made the Court was adjourned until to Morrow morning at eleven o'clock —

Wednesday February 12th 1840.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Corwin. It is ordered that N. P. Hurlbut Esquire of the State of Ohio be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday February 12th 1840. Continued.

Theron Reese - Plff in Er-
51. vs
Warren Whitaker, Frans
Wade, R. C. Stanford, Geo.
Loughety, Francis Marks and
C. Cunningham. —

Error to the Circuit
Court of the United
States for the Eastern
District of Louisiana

This Cause came
on to be heard on the
Transcript of the
record from the Circuit Court of the United States
for the Eastern District of Louisiana and was
argued by Counsel - On Consideration whereof.
It is now here ordered and adjudged by this
Court that the judgment of the said Circuit
Court in this cause be and the same is hereby
affirmed with Costs. —

Ord. Mr. Ch. Jus. Taney. —

William Remington Plff in
33. vs Error to the Cir.
Lefevre of Ch. H. Linthicum Circuit Court of the
United States for
the District of Columbia
holden in and for the County of Washington and
was argued by Counsel - On Consideration whereof.
It is now here ordered and adjudged by this Court that
the judgment of the said Circuit Court in this cause be
and the same is hereby affirmed with costs. —

Wednesday February 12th 1840 Continued.

The Philadelphia & Trenton Rail Road Company vs. Jeffries James Thompson	The argument of this cause was continued by Mr. L.R. Ingersoll for the defendant in Error, and concluded by Mr Southard for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 13th 1840. —

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron —

The Honorable Alexander Hunter Eqyire - Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

On the Docket of January Term 1840 — Page 3.

William Pollock. —

Error to the Circuit Court of the United States for the District of North Carolina. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of North Carolina, and

1840.

Thursday February 13th 1840 Continued.

was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Ps. Mr. Jus. McLean.

Dissenting. Mr. Jus. Wayne dissenting.

John Coe, Lessee of Margaret Latimer &c. Plff in Er-
ror
vs
David Underwood

In Error to the Circuit Court of the United States for the District of North Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of North Carolina and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Ps. Mr. Jus. McLean

Mr. Jus. Wayne, dissenting.

Thursday February 13th 1851 Continued.—

Thomas Wickham ex. dem
Henry E. Hoot. —
vs "
Isaac Baughman sole

On a certificate of Division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York — The parties in this cause having filed their consent in writing that this cause shall be dismissed. It is thereupon now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed, and that this cause be and the same is hereby remanded to the Circuit Court of the United States for the Southern District of New York that such proceedings may be had therein as to law and justice may appertain.—

Gil? Ch? Ch. Ju. Taney.

Error to Circuit Court
vs. " Southern
Isaac Baughman sole

This cause was argued by Mr Pegram for the Plaintiff in Error, and submitted by Mr Rives on a printed argument on behalf of the defendant in Error —

Thursday February 13th 1840 Continued.

Asa Tarbell	This cause having been
vs	called for argument and no
Henry Williams et al.	counsel appearing to argue
	the same. It is now here

ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court.

Proclamation being made the court is adjourned until tomorrow morning at eleven oclock.

Friday February 14th 1840.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Hon. Roger B. Taney Chief Justice.
Joseph Story
Smith Thompson
John McLean } Associate
The Hon. Henry Baldwin } Justices.
James M. Wayne
Philip P. Barbour
John Catron

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Elias Kane. Plff in Er		In Error to the Circuit
vs.		Court of the United
Gabriel Paul Executor of		States for the District
Edmund Cornwell.		of Columbia holden in
		and for the County of

Washington. — This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Columbia

1840.

Friday February 14th 1840 Continued

holden in and for the County of Washington and was argued by Counsel on Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this Cause be and the same is hereby affirmed with costs and damages at the rate of Six per Centum per annum. —

Js. M. Hs. McLean. —

John Peters & John Peters Jr. 30. vs. Jeffs- The Warren Ins. Co. Company

This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Webster of Counsel for the plaintiffs and by Mr. Parsons on behalf of the defendants. —

John B. Coremen &c. — 58. vs. Jeffson &- Peter Lenox's Exrs —

The argument of this cause was commenced by Mr. Holden for the plaintiffs in Error continued by Mr. R. J. Brent for the defendants in Error and concluded by Mr. Coxe for the plaintiffs in Error. —

Friday February 14th 1840. Continued.

William Covington Jr. Plff in Er. vs. David A. Comstock —	This cause was argued by Messrs Cooke & Key for the Plaintiff in Error. —
Guy & Irvine for the use of the Lumbermen's Bank at Warren — Plff in Er. vs. Nathan A. Dowry —	This cause was argued by Mr. McCandless for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 15th 1840.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present.

The Honorable	Roger B. Taney	Chief Justice —
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron —	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.—

The motion last made to the Court on the subject by Mr Austin. It is ordered that John Codman Esquire of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Saturday February 15th 1840. Continued.

On motion ordered that Thomas Lane Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

John Lee Defendant in Error of Charles G. Scott Plaintiff in Error
vs. "
Thomas Reid Defendant in Error

In Error to the Circuit Court of the United States for the District of West Tennessee. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — (P. Mr. Chs. Story. —

Thomas Reed Defendant in Error vs. John Lee Defendant
33. "
John Lee Defendant
Charles G. Scott Plaintiff. —

In Error to the Circuit Court of the United States for the District of West Tennessee. —

This cause came on

to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia and was argued by Counsel on consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Jos. M. Nelson. —

Elias Kane. Plff in Er.
vs
Gabriel Paul Exr of
Edward Caunault —

Mr Coyle of Counsel for the defendant in Error having filed a copy of the judgment of the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington in this cause and suggested to the Court here that the judgment as stated in the transcript of the record filed in this cause was erroneous — On consideration whereof it sufficiently appearing by an inspection of the said Copy and transcript that the latter is vicious and defective. It is thereupon ordered by the Court that the said transcript be so amended as to make the judgment conform to the verdict that is to say strike out the words "unto him the said Elias Kane" and insert in lieu thereof the words "unto him the said plaintiff". —

Saturday February 15th 1840 Continued.—

Guy C Irvine for the use of the Merchants Bank at Warren — pl'ff &c. " " Nathaniel A. Young	The argument of this cause was continued by Mr. Marvin for the defendant and concluded by Mr. McDonald for the plaintiff. —
Henry A Ingram Adm'r — &c " " Lund Newton, adm'r —	This cause was argued by Mr. Curtis for the plaintiff. —
Lewis Conger pl'ff in Er &c. " " William H. Sykes —	This cause was argued by Mr. Key for the defendant in Error —
Joseph Smith pl'ff — &c " " George W Tyson —	The argument of this cause was commenced by Mr. Webster for the plaintiff —

Proclamation being made the Court is adjourned until Monday Morning at eleven o'clock. —

1840.

Monday February 17th 1840.

Pursuant to adjournment the Court met this morning at the Capitol —

Present —

The Honorable	Roger B Taney	Chief Justice. —
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices. —
	James M. Wayne	
	Philip P Barbour	
	John Catron —	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

On motion first made to the Court on this behalf by Mr Key. It is ordered that James M. Mason Esquire of the State of Virginia be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly —

Monday February 17th 1840. Continued.—

On motion first made to the Court in this behalf by Mr Gilpin. It is ordered that Allen G. Thurman Esquire of the State of Ohio be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

William A. Carr. appt
vs
Samuel H Durrell, John T Shepard, Silas C. Carr & John W Tuttle & Celia his wife, Albert S Puckett & Sarah his wife, Mary S Harris, Elizabeth Carr, John H Grimball & Mary his wife, heirs of Stephen and William Harris, deceased.

On appeal from the Court of Appeals for the Territory of Florida.

This cause came on to be heard on the transcript of the record from the Court of Appeals for the Territory of Florida and was argued by Counsel. On consideration whereof. It is now here ordered, adjudged and decreed by this Court that the decree of the said ~~Circuit~~ Court of Appeals in this cause be and the same is hereby affirmed with costs.—

Jr. McLean Caton.—

Monday February 17th 1840. Continued.

Lewis Cruger. Plff in Er 63. vs. William H. Taylor —	An Error to the Circuit Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern district of Louisiana and was argued by Counsel. On consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of ten per centum per annum. in ... ...

Opinion delivered by Mr. Justice Story. —

Joseph Knight Plff in Er vs. George W. Tyler —	This cause was submitted to the Court on a printed argument by Mr. Grime in behalf of the defendant. —

Charles C. Conrad — Plff in Er vs. Enoch F. Kelly —	Upon the point of Counsel as well for the defendant as for the appellee. It is now here ordered by the Court that this cause be and the same is hereby Continued to the next term of this Court. —

Monday February 17th 1817 continued. —

Samuel Spriggs Appt vs The Bank of Mount Pleasant	This cause was submitted to the Consideration of the court upon the record and printed arguments by Mr. Webster & Swan for the appellant and by Mr. Alexander for the appellee. —

The United States - Plff vs Isaac Morris —	The argument of this cause was commenced by Mr. Attorney General for the Plaintiff, continued by Mr. Hamilton & Nelson for the Defendant and concluded by Mr. Attorney General for the Plaintiff.

John P. Rapsmans & Co. vs Kane, Davidson & Co. —	This cause having been called for argument and no counsel appearing. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this court. —

Monday February 17th 1840 Continued

The Commercial & Rail Road Bank of Vicksburg Plff in Er
vs.
Slocomb, Richards & Co

The argument of this cause was commenced by Mr Sergeant for the Plaintiff in Error, continued by Mr Henderson for the defendants in Error, and concluded by Mr Sergeant for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Tuesday February 18th 1840.

Pursuant to Adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Hon'ble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esqre Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Isaac T Preston Executor of James Brown, deceased —	In Error to the Circuit Court of the United
46. Off on &c	States for the Eastern
Theresa Keene widow and	District of Louisiana.
Administratrix of Richard	
R. Keene, deceased —	This cause came on to

be heard on the transcript of the record from the Circuit Court of

Tuesday February 18th 1840 Continued –

the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged and decreed by this Court that the judgment and decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to dismiss the petition. –

Pr. Mr. Justice Barbour –

Edmund P. Gaines & Wife
vs.
Beverly Chew et al

This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 35th rule of this Court. –

The United States for Use
vs.
Samuel R Wood –

This cause was argued by Mr Attorney General for the Plaintiff and submitted on a printed argument by Mr Maxwell of Counsel for the defendant. –

Tuesday February 18th 1840. Continued.

Jefferson I Edmunds Pet. / Pet / vs / Appellee / Anderson Cunningham —	This cause was argued by Mr Key of Counsel for the appellants —
Edmund P. Gaines Executor / Pet / vs / Complt / Benj. G Chew Respt	On motion of Mr Coxe of Counsel for the Defendants It is now here ordered by the Court that this cause be and the same is hereby Continued to the next term of this Court —
Isaac Lecates Plff in Er / vs / James K. Paulding Secretary / of the Navy. —	The argument of this cause was commenced by Mr Bond for the plaintiff in Error, and Continued by Mr Attorney General for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

1840.

Wednesday February 19th 1840.

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean Associate
The Honble Henry Baldwin Justices
James M. Wayne
Philip P. Barbour
John Catron –

Alexander Hunter Esquire Marshal –
William Thomas Carroll Clerk –

Proclamation being made the Court is opened –

William Compton Plff in Er. } In Error to the Circuit
vs. } Court of the United States
David A. Comstock – } for the Northern District
} of Mississippi –

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Mississippi and was argued by Counsel – On consideration whereof,

Wednesday February 19th 1840 Continued. —

It is now here ordered and adjudged by the Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court. —

Ptt Mr Justice McLean —

John B. Gorman &c C vs Peter Lenox Esqr.	Mr Brent of Counsel for the defendants in Error having filed a suggestion of diminution of

the record in this cause in this, that the Clerk of the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington has not properly extended the judgment rendered by said Circuit Court in this cause, now here moved the Court for a writ of Certiorari whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises doth time to consider. —

Susan Decatur Plff in Er
vs.
Chas A. Lansing

The argument of this cause was continued by Mr Attorney General for the defendant in Error and concluded by Mr Cope for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.—

Thursday February 20th 1840.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
} Associate Justices —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John Goodlett & others of Pottawatomie [illegible] &c. vs. Isaac Nicely —

In Error to the Supreme Court of the State of Alabama —

This cause came on to be heard on the Transcript of the record from the Supreme Court of the State of Alabama and was argued by Counsel — on Consideration whereof It is ordered and adjudged by this Court that

the judgment of the said Supreme Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court that such further proceedings may be had therein as to law and justice may appertain. — Ord: Mr Justice Thompson — dissenting — Justices Catron, Barbour & Wayne. — Mr Ch: Justice Taney did not sit in this cause. —

Joseph Smith appt —
vs.
The Chesapeake & Ohio Canal Company. —

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On Consideration Whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Ord: Mr Justice McLean. —

Thursday February 20th 1840 Continued.

The State of Rhode Island &c.	The argument of
" " Comp^t	the same was com-
The Commons of Mystic & Charlestown	menced by Mr Wisk
	-ell for the Complain

ant and continued by Mr Austin for the Re-
spondents &c.

Proclamation being made the Court adjourned
until tomorrow morning at eleven o'clock &c.

Friday February 21st 1840.

Present as yesterday the Court and the Marshal & the Crier

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron.

The Honble

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The United States appt

v.

Edward Livingston

On appeal from the Supreme Court for the District of East Florida.

This Cause came on to be heard on the Transcript of the record from the Supreme Court for the District of East Florida and was argued by Counsel. On Consideration whereof It is now here ordered and decreed by this Court that the record

Friday February 21st 1840. Continued

of the said Superior Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Superior Court with directions to dismiss the petition. — Ordered by Mr Justice Catron. —

James Taylor appt
vs
Nicholas Longworth & Thomas L. Carneal

On appeal from the Circuit Court of the United States for the District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel - On consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Ordered by Mr Justice Story. —

The State of Rhode Island &c
vs
The Commonwealth of Massachusetts

On the argument of this cause was on motion of Mr Hunt in behalf of the Respondent. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 22d 1840.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron.	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The State of Rhode Island vs The Commonwealth of Massachusetts.	The argument of this cause was continued by Mr Hazard for the Respondent.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday February 24 - 1840.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
the Honble	Henry Baldwin	Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Cutler Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sherman - It was ordered that Alexander C. Lane Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

John Pilsbury & Als Plts &c	On a certificate of
30. vs Pltfs	division in opinion
The Marine Insurance Company	between the Judges of
	the Circuit Court of the

United States for the District of Massachusetts.

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the Point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case. Made and provided and was argued by Counsel. On Consideration whereof It is the opinion of this Court "That" in this case the contributory amount paid by the Assurers on account of the collision was a direct positive and proximate effect from the accident, in such sense as to render the respondents liable thereto upon the policy" — Whereupon it is ordered and adjudged by this Court that it be so certified to the said Circuit Court. —

Jos. Mc. Kay. —

Monday February 24th 1840 Continued.—

The Philadelphia and Trenton Rail Road Company — vs. Pltff in Er. James Stimpson —	A Error to the Circuit Court of the United States for the Eastern District of Pennsylvania This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel On Consideration Whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum — Per Mr. Justice Story.
The State of Rhode Island — vs. Compt. The Commonwealth of Massachusetts —	The argument of this cause was continued by Mr. Hazard for the Complainant —

Proclamation being made the Court was adjourned until tomorrow morning at eleven o'clock —

Tuesday February 25th 1812

Pursuant to adjournment the Court met this morning at the Capitole —

Present

The Honble Roger B. Taney Chief Justice —
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron

} Associate Justices —

Alexander Hunter Esquire Marshal —
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr. Key it is ordered that Mr. Neale Nelson Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was duly accordingly —

Tuesday February 25th 1840 Continued.—

John Doe Lessee of King Isaac et al Plff in Er. vs Samuel Slaughter & Lemuel Slaughter.	In Error to the Circuit Court of the United States for the District of Maryland.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel— On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

per Curiam. Chief Justice Taney.—

The State of Rhode Island— vs Complt. The Commonwealth of Massachusetts	The argument of this cause was concluded by Mr Webster for the Respondent.—

Henry Meredith Plff in Er. vs Isaac Hollingsworth et al	The argument of this cause was commenced by Mr Wood for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.—

Wednesday February 26th 1840.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	Philip P. Barbour	
	John Catron	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Henry A. Swyfans & William Boyd plaintiffs in Error, suing under the firm and style of Swyfans & Boyd

vs.

Robert Broadnax & Isaac Newton defts in Error of David Newton, dec'd.

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Alabama. This cause came on to be heard on the transcript of the record from the Circuit Court of the United States

Wednesday February 26th 1840. Continued.—

for the Southern District of Alabama and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel— On Consideration whereof. It is the opinion of this Court that the fact that the estate of the said decedent is insolvent is not sufficient in Law to abate the Plaintiffs action— Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court accordingly.— (Js. M.Kinley. Wayne.—

The President Directors & Company of the Commercial and Rail Road Bank of Vicksburg vs. Slocomb Richards & Co.

In Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit

Wednesday February 26th 1840 Continued

Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and justice and in conformity to the opinion of this Court. —

Ps: Mr Chs: Barbour. —

Jefferson S. Edmonds & Dorothy Ann his wife, Robert H. Spencer and Sarah his wife, late Sarah S. P. Wadlington and Minor W. Gray & Mary his wife late Mary B. Wadlington. — Complts

74.

Andrew J. Crenshaw —

On appeal from the Circuit Court of the United States for the Southern District of Alabama. . .

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to have an account taken of all the sales which

Wednesday February 26th 1840. Continued.

came into the possession of the defendant as Executor and to enter a decree in favor of the Complainants against him for the amount she should have received and not accounted for to the Ordinary and paid over in conformity to the opinion of this Court. —

Jos. M. Lea. McLean. —

Wm B. Gorman & Edward Stone
& William G. Lambert Jeffers
vs.
Jane M. Thacker, Wm M'Cle-
land, Theodore Wheeler & Susanna
his wife Wm & Peter Lenox &c.

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. —

Mr Brent of Counsel for the defendants in Error having filed and read in open Court the following Suggestion of diminution of the record in this Cause, to wit, That in making out the record of said cause for this Court, the Clerk of said Court has not properly specified the judgment entered by said Circuit Court in the aforesaid suit of Gorman against the defendants. By reason of which omission and error aforesaid the said Circuit now here cannot award a writ of Error to be directed to the

Wednesday February 26th 1840. Continued.

Judges of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of said Circuit Court whatever omissions and errors shall be found. On Consideration Whereof It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. —

Merl Martin vs. Biffin &	The argument of this cause
28. "	was continued for the defendant
Ejm of M.C. Allmand	& the plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday February 27th 1840 —

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story	
Smith Thompson	
John McLean	Associate
The Courts	Henry Baldwin	Justices
James M. Wayne	
Philip P. Barbour	
John Catron —	

Alexander Hunter Esqr Marshal

William Thos Carroll Clerk

Proclamation being made the Court is opened.

Ward Marshall Plff in Er.	The argument of the
vs. ... To ...	cause was continued
Error of Wm. B. H. Worrell.	by Mr Sherwood for the
	defendant in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 28th 1840.

Pursuant to agreement the Court met this morning at the Capitol —

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	Associate
The Honble	Henry Baldwin	Justices —
	James M. Wayne	
	Philip P. Barbour	
	John Catron —	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr Webster. It is ordered that Samuel B. Walcott Esquire of the State of Massachusetts be admitted to practise as an Attorney and counsellor of this Court and he was sworn accordingly —

Friday February 28th 1840 Continued

The United States }
vs. }
Isaac Morris }

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel.

On Consideration whereof It is the opinion of this Court 1st That it is not necessary in order to constitute the offence denounced in the second section of the act of the 16th of May 1828 referred to that there should be an actual transportation or carrying of slaves on the High of the United States on board of which the party indicted is alleged to have served. —

2d That it is not necessary in order to constitute the offence denounced in the third section of the act of the 16th of May 1828 also referred to, that there

Friday February 23d 1844 Continued

should be an actual transportation or carrying of slaves in a foreign vessel, on board of which the party indicted as alleged to have served. —

3d That the voluntary service of an American citizen on board a vessel of the United States, on a voyage commenced with the intent that the vessel should be employed and made use of in the transporting or carrying of slaves from one foreign country or place to another, is in itself, and where no slaves had been transported in such vessel or received on board her, an offence under the said 2d Section. —

4th That the voluntary service of an American citizen on board a foreign vessel, in a voyage commenced with the intent that the vessel should be employed and made use of in the transportation and carrying of slaves from one foreign country or place to another as in itself, and where no slaves had been transported in such vessel, or received on board her, an offence under the said third section.

Whereupon it is now here ordered and adjudged that it be so certified to the said Circuit Court accordingly. — Pr. Mr. Ch. Jus. Taney. —

Friday February 28th 1840 Continued.

The United States ptff vs The B B Contractors	The argument of this cause was commenced by Mr. Attorney General for the Plaintiffs, continued by Mr. Benton for the defendants, and concluded by Mr. Attorney General for the Plaintiffs. —
James M. Broughton Ex'r &c ptff vs James Allcorn's Admr &c	On motion of the Atty. Genl. for the appellee, & it now here ordered by the Court that the cause be and the same is hereby continued to the next term of this Court —
Singleton & Boyd ptffs vs Ephraim G Peyton —	It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this court.
The United States ptff in Error vs The Bank of the Metropolis	This cause having been taken for argument and the Counsel appearing Upon the same, It is now ordered by the Court that the same be and

the same is hereby postponed to the foot of the docket under the 36th rule of this court. –

Sup. of Offic Accts Def 85. vs. Pff in Er Charles P. Gaddaker –	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. –
The United States- Pff 82. vs. Samuel B. Stone –	The argument of this cause was commenced by Mr Attorney General for the Plaintiff. –
Lobias Kipdoff- Appll 90. vs. Lewis Smith. –	On motion of Mr. Coxe of counsel for the appellee, It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court. –

Proclamation being made the court is adjourned until Monday morning at eleven o'clock. –

Saturday February 29th 1840.

Present as appointment the Court met this morning at the Capitol

Present

The Honble Roger B. Taney Chief Justice

The Honble	Joseph Story Smith Thompson John McLean Henry Baldwin James M. Wayne Philip P. Barbour John Catron

absent

Justices

Thomas Kennon Esqre Marshal

William Thos Carroll Clerk.

Whereupon being made the Court as appears

Ordered P. McCalmont admitted

to ... Office in &

John G. Stuffy —

this cause was further

ordered to the consideration

of the Court on the

Transcript of the record

and printed arguments by Mr. Stevens of counsel

for the Plaintiff in Error and by Mr. Williams in

behalf of the defendant in Error. —

The United States for use &c 84. vs James A. Dickens et al	On motion of Mr Attorney General of Counsel for the Plaintiffs in Error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court.

Stephen Cocke for the use of the Commercial Bank of Columbus 87. vs (Off'n Er) Joseph A. Haley et al	This cause having been called for argument and no Counsel appearing to argue the same. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

Burwell Fox et al Pl'ffs in Er 88. vs Edmund Fitzpatrick et al	On motion of Mr Cox of Counsel for the Defendant in Error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court.

Saturday February 29th 1840. Continued.

James Atkins - appt
vs
Wm & Chas Lick & Co. ---

the argument of this cause was commenced by Mr Cocke for the appellant, continued by Mr Cochran for the appellees, and concluded by Mr Cocke for the appellant.-

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The United States Bank
vs
Wm & Pope use ---

It is now here moved by the Court that this cause be continued to the next term of this Court. ---

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Pope Use - Taff in Er
vs
Wm Cochran Def ---

It is now here moved by the Court that this cause be and the same is hereby continued to the next term of the Court —

Thos Connelly use Pet
vs
Pope & Cochran Def

On motion of Mr Cox of Counsel for the appellant. It is now here ordered by the Court that the cause be and the same is hereby continued to the next term of this Court.

1331.

Saturday February 29th 1840 Continued.

Lefee of John Holker val 2. vs Ffff William Lemon val	On motion of Mr Cope of Counsel for the Plaintiff. It is now here ordered by the Court that this Cause be and the same is hereby continued to the next Term of this court.
William G. Cook - Ffff &c 5. vs John F. Moffat &c	It is now here ordered by the Court that this Cause be and the same is hereby continued to the next term of this Court.
The United States appt 11. vs John Pedman, Appellee	The argument of this Cause was commenced by Mr Fleming Counsel for the Appellant.
The United States - appt 13. vs Joseph Delaplaine &c	The argument of this Cause was commenced by Mr Fleming Counsel for the Appellant.

Saturday February 29th 1840. Continued. —

The United States appt vs Ebenezer Watermanshein	The argument of this cause was commenced by Mr Attorney General for the appellant.
The United States. appt vs John Forbes heirs —	The argument of this cause was commenced by Mr Attorney General for the appellant. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock —

1238

Monday March 2d 1840.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean Associate
The Court, Henry Baldwin Justices.
James M. Wayne
Philip P. Barbour
John Catron.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

John J. Gumes Esquire of Va. } Motion of Walter S. and Reis. } The argument of this cause was commenced by Mr. Glover for the Plaintiffs in Error continued by Mr. Corwin for the defendant in Error and concluded for the Plaintiffs by Mr. Glover.

Proclamation being made the court is adjourned until to morrow morning at eleven oclock.

Tuesday March 2d 1840.—

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable Roger B. Taney Chief Justice.
Joseph Story
Smith Thompson
John McLean Associate
The Hon.ble Henry Baldwin Justices
James M. Wayne
Philip P. Barbour
John Catron—

Alexander Hunter Esq.r Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.

George Wilkins Peckenpaugh William C. Peckenpaugh and Thomas Searle — Plff.s in Error	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Maryland
vs.	
Reuben L. Parker & William Lehon Deft.s	

This cause came on to be heard on the transcript of the record from the Circuit

Tuesday March 3d 1840 Continued

Court of the United States for the district of Massachusetts and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof this Court being equally divided in opinion in this Case, it is now here ordered and decreed that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in as to law & justice and right appertain.—

Ch. J. Taney.

Joseph Tuft Jr. Off
&c. vs
George W. Tyson

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion

Tuesday March 3d 1840. Continued.—

agreeably to the act of Congress in such case made and provided, and was argued by Counsel. On Consideration whereof, this Court being equally divided in opinion in this case as to the manner of stating the questions. It is now here ordered and adjudged by this Court that this Cause be and the same is hereby remanded to the said Circuit Court to be proceeded in as to law and justice may appertain.—

Jos. Mr. Ch. Jus: Taney.—

The United States—Plff
in Error
vs
Samuel R. Wood.—

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.

This Cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On Consideration whereof, It is the opinion of this Court that in order to correct the misfortune of the Court Judges

No 10.

Tuesday March 3d 1840. Continued –

on the indictment, it is not necessary on the part of the prosecution to produce a living witness, if the jury shall believe the evidence from the written testimony sufficient to establish the charge that the defendant made a false and corrupt oath as to the cost of the goods imported in the Steamboat mentioned in the invoice upon which the Defendant made an entry by taking the oath at the Custom House – whereupon it is ordered and adjudged by this court that it do be so entered in the said Circuit Court accordingly. –

(Ex? Mr Fis: Clagett –

Mr Fis. Thompson (Defendant) –

Susan Decatur – Adm in Er.	In Error to the Circuit
vs. To	Court of the United
James K. Paulding, Secretary	States for the District
of the Navy. —	of Columbia holden
	in and for the County
	of Washington :

The same came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof it is now here ordered

Tuesday March 3d 1840. Continued.

and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. —

Js. Mc. Clr. Chs. Jas. Taney. —

The United States Appellants
vs.
Samuel B. Stone —

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York. — This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and it appearing to this Court here upon an inspection of the said transcript that the cause has not been properly certified to this Court. It is therefore now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction, and that this cause be and the same is hereby remanded to the said Circuit

Tuesday March 3d 1840 Continued.

Court with directions for further proceedings to be had therein according to law and justice.—

Jas. M. Ch. Jus. Story.—

The United States }
ss. }
Charles A. Wheeler }

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.—

The cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York, and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and it appearing to the Court here upon an inspection of the said transcript that the cause has not been properly certified to this Court. It is therefore now here ordered and adjudged by this Court that this cause be and the same is hereby remanded for the want of jurisdiction, and that this cause be and the same is hereby remanded to the said Circuit Court with directions for further proceedings to be had therein according to law and justice.—

Tuesday March 3d 1846 Continued. —

The Commercial Bank of Penna vs Sept of Wells Lenthall	The argument of this cause was concluded by Mr Hare for the plaintiff in Error. —
The United States appellt vs Joseph Delafield	The argument of this cause was commenced by Mr Attorney General for the appellant. —
Wm Brayton et al appellts vs The United States	The argument of this cause was commenced by Mr Attorney General for the appellee. —
Chas C Harris et al appellts vs The United States	The argument of this cause was commenced by Mr Attorney General for the appellee. —

On motion being made the Court is adjourned until tomorrow morning at eleven o'clock. —

1844

Wednesday March 4th 1840

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M Wayne
Philip P Barbour
John Catron

Associate Justices

Henry Hunter Supreme Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

George Holmes. Jeffin Et. Al. vs. Silas E. Lemmon Governor of the State of Vermont & Ira Timothy Sheriff of the County of Washington in said State of Vermont and their Successors in office.

In Error to the Supreme Court of Pennsylvania.

This cause came on to be heard on the Transcript of the record from the Supreme Court of Pennsylvania of the

Wednesday March 4th 1840 Continued. —

State of Vermont, and was argued by Counsel On consideration whereof it is now here ordered and adjudged by this Court that this writ of Error to the said Supreme Court be and the same is hereby dismissed for the want of jurisdiction. —

Ch. Just. Mr. Ch. Jus. Taney. —

Albert Allen and Elijah Smith. Pls. in Err. vs. Levi C. Hodges	Ordered by the Court that this Cause be and the same stand continued to the next Term of this Court.
The United States Appellt vs. Chas. Robinson & Edmund Pigeon	The argument of this Cause was continued by Mr. Downing for the Appellee. —
The United States Appellt vs. Joseph Libby, Jun.	The argument of this Cause was continued by Mr. Downing for the Appellee. —

Wednesday March 4th 1840 Continued

The United States appts 13. vs Lawyer Waterman's heirs	The argument of this cause was continued by Mr Downing for the appellees.
The United States appts 14 vs The Forbes heirs	The argument of this cause was continued by Mr Downing for the appellees.
The United States appt 15. vs Joseph Delaspine	The argument of this cause was continued by Mr Downing for the appellee.
Ann Buyskinl. appte 35. vs The United States.	The argument of this cause was continued by Mr Downing for the appellant.
Oliver O'Hara et al. appts 38. vs The United States.	The argument of this cause was continued by Mr Downing for the appellants.

Proclamation being made the Court adjourns until tomorrow morning at eleven o'clock.

Thursday March 5th 1840 –

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

The Honorable Joseph Story, Smith Thompson, John McLean, Henry Baldwin, James M. Wayne, Philip P. Barbour & John Catron Associate Justices. –

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk. –

Proclamation being made the Court is opened.

James Atkins – appellt
vs.
Jesse Nick. Nathaniel Best
Harry R. W. Hill, William J.
McKee Partners under the name
and style of Nick & Co. –

Dr appeal from the Circuit Court of the United States for the Southern District of Mississippi. –

This cause came on to be heard on the transcript of the record from the

Thursday March 5th 1840. Continued

Circuit Court of the United States for the District of Mississippi and was argued by counsel on consideration whereof. It is ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs; and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this court and as to justice and equity shall appertain. —

Ord. Mr Justice Barbour. —

The United States appt vs John Rodman, & ux & ors	The argument of this cause was continued by Mr Downing for the appellee and by Mr Attorney General for the appellant.

The United States. appt vs Joseph Delaspinewis	The argument of this cause was continued by Mr Downing for the appellee and by Mr Attorney General for the appellant. —

Thursday March 3d 1842. Continued.

The United States appts 13 vs Thos Waterman & ors	The argument of this cause was continued by Mr Browning for the appellees and by Mr Attorney General for the appellant

The United States appts 14 vs John Forbes Exrs	The argument of this cause was continued by Mr Browning for the appellees and by Mr Attorney General for the appellant.

The United States appts 15 vs Joseph Lilespie	The argument of this cause was continued by Mr Browning for the appellee and by Mr Attorney General for the appellant

Ann Bayck &al. appts 35 vs The United States	The argument of this cause was continued by Mr Browning for the appellants and by Mr Attorney General for the appellee.

Thursday March 5th 1840 Continued.

Oliver O'Hara & al Appts 38. The United States —	The argument of this cause was continued by Mr Benning for the appellants and by (Mr Attorney General for the appellee. —

(Proclamation being) made the Court is adjourned until tomorrow Morning at eleven O'clock. —

Friday March 6. 1840.

Pursuant to Adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M Wayne
Philip P. Barbour
John Catron -

The Honble. Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk. -

Proclamation being made the Court is opened.

The United States Plff
vs
Charles Jenkins, George Simpson, John Hay, Simon Kenning Alexander Thayer, John Stone and William Clark. -

On a certificate of division in opinion from the Circuit Court of the United States for the Northern District of New York. -

This cause came on to be heard on the Transcript

Friday March 6th 1840 Continued

of the record from the Circuit Court of the United States for the Southern District of New York and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and the Attorney General of the United States in behalf of the Plaintiff having signified his assent that the same should be dismissed and remanded to the said Circuit Court to be there proceeded in. It is therefore now here ordered and adjudged by this court that this cause be and the same is hereby dismissed and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice. — (Sd. Mr. Ch. Jus. Taney. —

Thomas Hammond, Admr &c
vs
Effie &c
Exrs George Washington &c

Mr Jones of counsel for the appellee moving filed the appearance of George Lewis Esqr. of Lawrence Lewis decd. who was the surviving Executor of Genl George Washington, now here moved the Court that the appearance of the said George Lewis be

Friday March 5th 1841 Continued

entered of record and that he be made the appellee. Whereupon it is now here ordered by the Court that the appearance of the said James Lees Trustee of Lawrence Jones deceased be entered in this cause and that he be made the appellee. -

The United States appellt vs Chas Redman appellee	The argument of this Cause was concluded by Mr Attorney General for the appellant.
The United States appellt vs Joseph Lidgeping's heirs	The argument of this Cause was concluded by Mr Attorney General for the appellant.
The United States appellt vs Sleyer Workmans heirs	The argument of this Cause was concluded by Mr Attorney General for the appellant.
The United States appellt vs The Forbes' heirs	The argument of this Cause was concluded by Mr Attorney General for the appellant.

Friday March 6th 1840 Continued

The United States appt vs Joseph Lilespaw	The argument of this cause was continued by Mr Attorney General for the appellant
Ann Buyck et al appts vs The United States	The argument of this Cause was continued by Mr Attorney General for the appellee
Oliver C Hazard et al appts vs The United States.	The argument of this cause was continued by Mr Attorney General for the appellee

Proclamation being made the Court is adjourned until Monday morning eleven o'clock

Monday March 9th 1840.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron

Associate Justices.

The Clerk Reverdy Johnson Esqr. Marshal
William Thomas Carroll Esqr. Clerk.

Proclamation being made the Court is opened

On motion of Mr Gilpin. It is ordered that Daniel P. Lord. Esqr. Counsellor of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

The State of Rhode Island Compt vs The Commonwealth of Massachusetts	In Equity.

On Consideration of the plea filed in this case by the defendant, and of the arguments of Counsel thereupon had as well in support of as against the said plea, It is now here ordered by this Court that the said plea be and the same is hereby overruled, and it is further now here ordered by this court that the defendant answer the Bill of Complaint as amended, on or before the first day of the next Term.—

Present Chief Justice Taney—
Justices Story, Catron, McLean & Barbour—
Mr Justice Story did not sit in this cause—

Sylvester L. Fowler Plaintiff in Error vs Marie Brandt, Peyton S. Graves and Hugh Ferguson	In Error to the Circuit Court of the United States for the Southern District of Alabama

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued

by Counsel on consideration whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Js. M. Mc. Kinley.

The United States appellants

13. vs

William H. Burnett and Emma his wife late Emma Waterman, Joshua Hickman and Sarah Ann his wife, late Sarah Ann Waterman; William Hickman and his wife Helen, late Helen Waterman, Helen Waterman and Sylvia Waterman, heirs and legal representatives of Eleazer Waterman deceased. —

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On consideration whereof, It is ordered, adjudged and decreed by this Court that the decree of the said Superior Court in this cause adjudging that the title of the appellees as vested under the Treaty of 22d February 1821 between the United

Monday March 9th 1840 Continued

States and Spain, the laws and customs of Spain, the law of Nations, and of the United States be and the same is hereby affirmed and that this cause be and the same is hereby remanded to the said Superior Court, with directions to proceed therein and to cause such further proceedings to be had as by law is directed.

Jos. Mr Chs. Baldwin.

Wilhelmina De Valengin, admx of and George Gaidin Bell, admr de bonis non of Albert P. De Valengin, dec'd.

vs.

John H. Duffy

In Error to the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel.

On consideration whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.

Jos. Mr Ch. Jus. Taney.

Monday March 9th 1840. Continued.

John F. Simes and Nathan Gilbert Appts &c
vs
Joshua Tibbs et ux Mary Anderson Tenhams late Mary A. Ann, relict of Evan R. Tompkins decd, John Graham Exr, Anna Ann and Caroline and Robert Evans Ann, minors by P. B. Wilcox their Guardian ad litem Exrs of Wm Ann decd.

In Error to the Circuit Court of the United States for the District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio, and was argued by Counsel. On consideration Whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Jos. M. Ins. M. Lean.

Samuels Finley Appts
31. vs
The President Directors & Company of the Bank of Mount Pleasant.

On appeal from the Circuit Court of the United States for the District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of

the United States for the District of Ohio and was argued by Counsel On Consideration whereof. It is ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Vs. } Wm. Thompson.

Guy & Irvine for the use of the Swetland Bank &c. } vs. Nathaniel A. Perry } On a certificate of division between the Judges of the Circuit Court of the United States for the Western District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Pennsylvania and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel On Consideration whereof, It is the opinion of this Court that the said Circuit Court has jurisdiction of the cause Whereupon it is ordered and adjudged by this court that it be so

Monday March 9th 1840. Continued.

certified to the said Circuit Court accordingly.

Js. Mr. Thos. Baldwin.

The United States Plff vs. John P. B Grant, Fielding Burton, Charles F. Howland and Dickinson B. Moorhouse.	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Illinois and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the President had power under the act of 3d March 1807 to make the Contract set forth in the declaration. Whereupon it is ordered and adjudged by this Court that it be so certified to the said Circuit Court accordingly.

Js. Mr. Thos. Thompson.

1862.

Monday March 9th 1863 Continued.

The United States appts	It is now here ordered
11 " "	by the Court that this
John Redmon appellee	cause be held under
	advisement, and that

the same be accordingly continued to the next term.

The United States appts	It is now here ordered
12 " "	by the Court that this
Joseph Lillespie Junr	cause be held under
	advisement, and that

the same be and is hereby continued to the next Term.

The United States appts	It is now here ordered
14 " "	by the Court that this
John Sabin Junr	cause be held under
	advisement, and that

the same be and is hereby continued to the next term.

The United States appts	It is now here ordered
13 " "	by the Court that this
Joseph Lillespie	cause be held under
	advisement, and that the

same be and is hereby continued to the next term.

Monday March 9th 1840 Continued —

Sam Bryck Val. Appt.	It is now here ordered
35 "	by the court that this
The Bank of Utica	cause be held under
	advisement, and that

the same be and is hereby continued to the next term —

Oliver O Harra Val. Appt.	It is now here ordered
38 "	by the court that this
The Bank of Utica	cause be held under
	advisement, and that

the same be and is hereby continued to the next term —

Wm W. Gorman Val. Appt.	It is now here ordered
38. "	by the court that this
Peter Lenox Esq	cause be held under
	advisement, and that

the same be and is hereby continued to the next term.

1204.

January Term 1841.

At the Capital of the United States in the City of Washington and District of Columbia, being the present Seat of the National Government of the United States, on the second Monday of January (being the Eleventh day of the same month) in the year of our Lord one thousand eight hundred and forty one and of the Independence of the United States the Sixty fifth the Supreme Court of the United States met agreeably to Law.

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	Henry Baldwin	
	James M Wayne	Associate Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	
Alexander Hunter Esqr		Marshal
William Thomas Carroll		Clerk.

Proclamation being made the Court is opened.

Monday January 11. 1841. Continued

Ex parte: In the matter of Jefferson L. Edmunds vat Thomas Crenshaw— } On appeal from the Circuit Court of the United States for the Southern District of Alabama.

No 74 of the Jan. Term 1841.

Mr. Sargeant of counsel for the appellee in the above entitled cause gave notice that he would on Saturday next the 16th inst move the Court to set aside and annul the judgment and decree of this Court rendered in this cause on Wednesday the 26th day of February A. D. 1840 and to dismiss the appeal— and thereupon filed his motion in writing in the words and figures following) viz.—

Edmunds vs. Crenshaw— Supr. Court U. S.— Jan Term 1840 No 74.

Jan. 11. 1841. Motion by Mr. Sargeant on part of Deft to set aside and annul the judgment and decree of the Court, and also to dismiss the case.

Mr. Chief Justice Taney announced to the Bar that the Court would tomorrow commence the call of the docket under the 36th rule.—

Proclamation being made the Court is adjourned until tomorrow (morning) at eleven o'clock.—

Tuesday January 12th 1841 —

Pursuant to adjournment the court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice.	
	John McLean		
	Henry Baldwin		
	James M. Wayne	Special Justices.	
	Philip P. Barbour		
	John Catron		
	John McKinley		
Alexander Hunter Esquire		Marshal	
William Thomas Carroll		Clerk —	

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr Crew. It is ordered that Samuel Bush Esqr of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court & he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Crittenden. It is ordered that John Payne Esquire of the State of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Tuesday January 12th 1841 Continued.

Thomas J Cammonds adm: &c. Appt. vs. George Washington Dec'd.	This cause having been called for argument and no Counsel appearing for the appellee. It is upon the consent of Mr Boyle of Counsel for the appellants now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 35th rule of this court. —
Lessee of John Colbert vs. Plff vs. William Lemon vs. Deft	This cause was argued by Messrs Key and Coxe on the part of the plaintiff no Counsel appearing for the defendants. —
William C. Cook Plff in Er. vs. John S Moffat vs. Deft	This cause having been called for argument and no Counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 35th rule of this Court. —

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Wednesday January 13th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Hon'ble	James M. Wayne	Associate Justices
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

On motion first made to the Court on the behalf by Mr Gilpin. It is ordered that Roger S. Baldwin Esq. of the State of Connecticut be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

Richard L. Wallace plff in Error	The argument of the cause was commenced by Mr Ogden
vs.	for the plaintiff in Error
Oliver Collins et al	

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday January 14th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Hon'ble Roger B. Taney Chief Justice
The " " Smith
" " Henry Baldwin
The " " James M. Wayne Associate
" " Philip P. Barbour Justices
" " John Catron "
" " John McKinley "
Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Richard L. Walkins — 4. " " Pltff in Er Oliver Holman Deft	The argument of this Cause was continued by Mr Key for the Pltff in Error & concluded by Mr Ogden for the Pltff in Error.
Gustavus Scott Exr &c. — 5. " " Pltff in Er Isaac Oliver Holman Deft	The argument of this Cause was commenced by Mr Ogden for the Plaintiffs in Error, continued by

Messrs Crittenden & Key for the defendant in Error and concluded by Mr Ogden for the Plaintiff in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday January 15th 1841.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honble	Roger B Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Marshal	Henry Baldwin	Absent at Lecture
	James M Wayne	
	Philip P Barbour	
	John Catron	
	John McKinley	
	Alexander Hunter Esqre	Marshal
	William Thos Carroll	Clerk

Proclamation being made the Court is opened —

On motion it is ordered by the Court that Wm Hoyt Esqre be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Friday January 15th 1841 Continued.—

On motion first made to the Court in this behalf by Mr Leonard. It is ordered that S. Buck Esquire of the State of Ohio be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Levan Maybury Appt 10 vs Wm McPherson Brienal	This cause was argued by Messrs Nelson & Meredith for the Appellees and submitted on a printed argument by Mr Mayer on behalf of the appellant —
Colin Mitchel & al. Appts 11. vs The United States —	Mr Ogden of Counsel for the appellants moved the Court to postpone the argument of this cause, which was opposed by Mr Attorney General on behalf of the appellee. Whereupon it is now here ordered by this Court that this cause be set down for argument tomorrow. —
Lipes of Effie Comr. plff in Er 29 vs Charles P. Gallaher —	The argument of this cause was commenced by Mr Leonard for the plaintiff in Error & continued by Mr Buck for the

Edward Biggs Jeffin Er
&
The Commth of Pennsylvania.

Mr. Meredith of Counsel for the Plaintiff in Error having suggested to the Court that this was a case involving questions of deep and public interest to the State of Maryland and Pennsylvania now here moved the Court to assign a particular day for the argument of the cause — Whereupon the Court not being now sufficiently advised of and concerning what order to render in the premises Took time to consider. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

1370.

Saturday January 16. 1841.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice -

The Hon'ble Smith Thompson, John McLean, Henry Baldwin, James M Wayne, Philip P. Barbour, John Catron, John McKinley - Associate Justices -

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

Ex parte. In the Matter of Jefferson S. Edmonds vs. C. No 74 of 1840 & 75 Anderson Crenshaw

It is now here ordered by the Court upon the application of Mr Key that the argument and consideration of the Motion filed by Mr Sergeant be and the same is hereby postponed to Saturday next. -

Saturday January 15. 1841. Continued.

The United States appt vs The Schooner Amelia	Motion was moved by the Court that the consideration of the motion filed in the case of Appt vs Adams and Baldwin be and the same is hereby postponed for the present —
Supreme Court of the United States by Wm Pitts & Charles B Gallaher —	The argument of this cause was continued by Mr Buck for the defendant in Error and concluded by Mr Leonard for the Plaintiff in Error —
Catin Mitchell vs The United States —	The argument of this cause was commenced by Mr Ogden for the appellants, and continued by Mr Attorney General for the Appellees —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday January 18th 1841.

Pursuant to Adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Smith Thompson
Arthur P. McLean
Henry Baldwin
James M. Wayne Associate Justices.
Philip P. Barbour
John Catron
John McKinley —

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

Colin Mitchell vs. appts 11. & The United States —	The argument of this cause was concluded by Mr Webster for the appellants —
Heirs Marten vs. Effinger 12. & Exrs of W. & H. Wardell —	The argument of this cause was commenced by Mr Wall for the Plaintiffs in Error. —

Proclamation being made the Court is adjourned until

Tuesday January 19th 1841.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices. —
	Philip P. Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esqure Marshal

William Thomas Carroll Clerk. —

Proclamation being made the Court is opened. —

Kent Marlin vol. —	The argument of this Cause
12. " 15 Pfts in Error	was continued by Mr Wall
copy of W. C. H. Waller —	for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock —

Wednesday January 20th 1841

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice -
Smith Thompson
John McLean
The Honble Henry Baldwin Associate Justices -
James M. Wayne
John Catron
John McKinley -

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

The United States appt
43. vs.
The Schooner Amistad &c

Mr Baldwin moved the Court to set this cause down for argument on Tuesday the 16th day of February next whereupon it was now here considered by the Court that this cause shall not be called for argument before Tuesday the 16th February -

Wednesday January 20th 1841 Continued. –

The Court announced to the Bar that it would tomorrow continue the call of the docket under the rule, Commencing with No 13. –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Thursday January 21st 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney Chief Justice.	
	Smith Thompson	
	John McLean	
	Henry Baldwin	
The Honble.	James M. Mayon	Associate Justices
	Philip P Barbour	
	John Catron "	
	John McKinley	

Proclamation being made the Court is opened.

Archibald K. Smith -pltff in E.	The argument of this cause
13. vs	was commenced by Mr
Alfred Ekstt —	King for the pltff in
	Error continued by Mr Key

for the defendant in Error and concluded by Mr. King for the pltff in Error —

Thursday January 21st 1841. Continued.—

Benjamin Long. Pltff in Er vs. Gordon Smith Long Gardner	Mr Love of Counsel for the Plaintiff in Error now here moved the Court to postpone this case, to which Mr Henderson on behalf of the defendants in Error assented. Whereupon it is now here ordered by the Court that this Cause be and the same is hereby postponed to the foot of the docket. —
Sally Ladiga. Pltff in Er vs. Richard B. Rowland Deft	Mr Love of Counsel for the Plaintiff in Error, now here moved the Court to postpone this case, to which Mr Key of Counsel for the defendants in Error assented. Whereupon it is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket. —
Jacob Bowerman Claimt &c vs. The Cargo of the Schooner North Carolina, Oliver O'Hara Agents	the argument of this Cause was commenced by Mr Love for the Appellant. —

Thursday January 21st 1841 Continued –

Asa Parkwell appt 19. vs Henry Williams and Robert Williams —	On appeal from the Circuit Court of the United States for the Western District of Pennsylvania – It having been suggested to the court that the matters in controversy in this case had been agreed upon and settled between the parties. It is thereupon now here considered adjudged and decreed by this court that this appeal from the Circuit Court of the United States for the Western District of Pennsylvania be and the same is hereby dismissed with costs. – Js. M. Ch. Jus. Taney. –
Martin A. Lee val Appt 21 vs Enoch S. Kelly —	This cause having been called for argument and no counsel appearing. It is thereupon now here ordered by the court that this cause be and the same is hereby ordered to the foot of the docket under the 30th rule of this Court. –
Henry Brush – Appt 22. vs John H. Ware val	The argument of this cause was commenced by Mr. Mason for the appellant. –

Thursday January 21st 1841 Continued.—

John S. Ruperman Esq vs Rowe Davidson & Co.	This cause was submitted to the Consideration of the Court on the transcript of the record by Mr Bell of Counsel for the Defendants on a rule taken for ten per cent damages under the 17th rule of Court.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday January 22nd 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Gilpin. It is ordered that John Reynolds Esquire of the State of Illinois be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Friday January 22nd 1841 Continued.—

Jacob Haseman, Claimt &c vs. " The Cargo of the Schooner North Carolina, Oliver O. Dunn, Agent &c	The argument of this cause was continued by Mr Downing for the appellee and Concluded by Mr Cox for the appellant

Proclamation being made the Court is adjourned until tomorrow Morning at eleven o'clock.—

Saturday January 23d 1841.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice	
	Joseph Story		
	Smith Thompson		
	John McLean		
The Honble	Henry Baldwin		Associate Justices.
	James M. Wayne		
	John Catron		
	John McKinley		

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the court is opened.

On Motion first made to the court in this behalf by Mr Gilpin. It is ordered that Wm Lewis Brown Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Saturday January 23d 1841 Continued.

Dickson & Tefft pltffs.	In Error to the
vs	District Court of the
Abijah Fisk	United States for the
	Middle District of
	Alabama.

Mr Sergeant of Counsel for the defendant in Error having filed and read in open Court a Certificate in the words and figures following, towit —

"United States of America.

District Court of the United States for the Middle district of Alabama. —

I Albert G. Creech, Clerk of the District Court of the United States for the Middle District of Alabama do certify that by the records of said Court it appears that at a District Court begun and held for said District on the fourth Monday of (May) in the year of our Lord One Thousand Eight Hundred and forty Fourth (4th) the twenty Ninth day of May A. D. 1840 being a day of said Term, Abijah Fisk recovered a judgment against Dickson & Tefft for the sum of Three Thousand Three Hundred and fifty Dollars and sixty six cents damages, besides costs of suit; and that on the Third day of June in the year of our Lord one thousand eight hundred and forty, the said

Saturday January 23d 1841 Continued.

Dickson & Topp applied for and obtained a writ of Error returnable to the Supreme Court of the United, to be held at the City of Washington on the second Monday of January next - that on the said third day of June in the year 1840, said Dickson & Topp, together with Cornelius Purnell and George Goodrum, his securities entered into bond for the prosecution of said writ of Error, and that since which time, further proceedings on said judgment have been superseded until said cause shall be determined in said Supreme Court of the United States. -

Given under my hand and the seal of said District Court at Office, in the City of Tuskaloosa, the 6th Day of July A.D. 1840. -

A. G. Gock, Clerk."

And having stated that the said Plaintiff in Error had altogether failed to file the record of said Case in this Court, or in any way to prosecute said writ of Error, Now here moved the Court in pursuance of the 43d rule of this Court to have this cause docketed and dismissed - On Consideration Whereof, It is now here ordered and adjudged by this Court that this writ of Error be and the same is hereby docketed and dismissed with Cost - and that this cause be and the same is hereby remanded to the said District Court of the United

Saturday January 23d 1841. Continued.

States for the Middle District of Alabama for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding.

Test. Wm. Ch. Fw. Tarvy. Clk

William M. Gwin Marshal of the Southern District of Mississippi vs. Pltff in Er Buchanan, Hagan & Co who sue for the use of William Halliday & Co.	In Error to the Circuit Court of the United States for the Southern District of Mississippi

Mr Henderson of Counsel for the defendant in Error having filed and read in open Court a certificate in the words and figures following, viz. —

Buchanan, Hagan & Co who sue for the use of William Halliday & Co

vs.

William M. Gwin, Marshal of the Southern District of Mississippi

On Motion

In the United States Circuit Court Ninth Judicial Circuit and Southern District of Mississippi May Term 1840.

I William Burns, Clerk of the United States for the Southern District of Mississippi, do hereby certify, that on the twenty seventh day of May 1840.

Saturday January 23rd 1841. Continued.

judgment was rendered by said Court in the above entitled case in favor of Buchanan Hagan & Co, suing for the use of William Halliday &c against William M. Gwin Marshal of the Southern District of Mississippi for the sum of Seventy eight hundred and ninety four dollars and twenty seven cents, together with costs, and further certify that on the same day the said Wm M. Gwin duly sued out his writ of error to said judgment, whereby executions and proceedings upon said judgment have been sized and are now suspended and stayed upon the issuing out of which writ of error, the said William M. Gwin executed bond with Jacob F. Yerger and John B. Forrester his securities, in the penal sum of $8.800. Condition that said William M. Gwin should prosecute his said writ of error to effect, or should well and truly pay and satisfy the amount of said judgment and all such damages, interest and costs as the Supreme Court of the United States shall adjudge in the premises which said bond and writ of error, and the Citation thereon issued are, together with a copy of said writ of error lodged by said Gwin, now on file in my office. —

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Jackson this 21st Day 1840. —

Wm Burns Clerk

Saturday January 23d 1841 Continued.

and having pleaded that the said Plaintiff in Error had altogether failed to file the record of said Case in this Court, or in any way to prosecute said writ of Error, now Come moved the Court in pursuance of the 43d rule of this Court to have this writ of error dismissed and disanulled. On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of Error be and the same is hereby dismissed and disanulled with Costs; And that this Cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Mississippi for further proceedings to be had therein in Conformity to law and justice the said writ of Error notwithstanding. —

Tr. Mr. Ch. Jus. Taney. —

F. I. W. Nelson Plff in Er vs John McCaa —	In Error to the Circuit Court of the United States for the Southern District of Alabama.

Mr Key of Counsel for the defendant in Error having filed and read in open Court a certificate in the words and figures following to wit.

"Be it remembered that heretofore, to wit, at a Term of the Circuit Court of the United States for the

Saturday January 23d 1841. Continued.

ninth Judicial Circuit and Southern District of Alabama began and held in and for said District at Mobile on the Second Monday of March in the Year of our Lord, one Thousand eight Hundred and forty before their Honors John McKinley Presiding Judge and William Crawford Judge of said Court on the 24th day of March 1840 being a day of said Term the following proceedings were had Court. —

John McCaa
vs
F. A. W. Nelson

This day came the parties by their Attorneys, Whereupon also came the following Jury, Viz. J. A. Butler E. W. Hoat, M. Faut, G. G. Johnson, D. Jones, A Baptiste, P. Smith, F. V. Elins, J. H. Radford, P. H. Fobes, Jno Polland, Jno St. Rose twelve good and lawful men who being elected tried and sworn upon their oaths do say that we, the jury find for the plaintiff and assess his damages at Seventy five Hundred and fifty three dollars. It is therefore Considered by the court that the said John McCaa plaintiff do recover against the said Francis A. W. Nelson defendant the said sum of Seventy Hundred and fifty three Dollars, the damages aforesaid in manner aforesaid, by the Jurors aforesaid assessed together with his costs in this behalf expended.

I, David Files, Clerk of the Circuit Courts of the United States for the ninth Circuit and Southern District of Alabama do hereby certify that the above is a true

Saturday January 23d 1841 Continued

copy from the minutes of said Court of the March term 1840. In Testimony whereof at Office in the City of Mobile I have hereunto set my hand and affixed the seal of the said Circuit Court this ninth day of December in the year of our Lord one thousand eight hundred and forty.

David Files Clk. C.C. for dist. Ala

I do further certify that the said Francis W. Nelson has filed his writ of error in the above entitled cause & taken the same to the Supreme Court of the United States upon which supersedeas was granted.

In Testimony whereof at office in the City of Mobile I have hereunto set my hand and affixed the seal of said Circuit Court this ninth day of December A.D. 1840

David Files

Clk C.C. for dist Ala "

and having stated that the said Plaintiff in Error had altogether failed to file the record of said case in this Court or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 43d rule of this Court to have said writ of error docketed and dismissed. In Consideration whereof, It is now here ordered and adjudged by this Court that this writ of Error be and the same is hereby docketed and dismissed

Saturday January 23d 1841 Continued.

with Costs and that this Cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding. —

(Pr Mr Ch. Jus. Taney) —

Thomas R. Baden Appellant & Plaintiff in Error vs. Jr Mc Call Defendant in Error.	In Error to the Circuit Court of the United States for the Southern District of Alabama. —

Mr Lost of Counsel for the Defendant in Error having filed and read in open Court a certificate in the following words and figures, to wit —

"Be it remembered that heretofore to wit, at a Term of the Circuit Court of the United States for the ninth Judicial Circuit and Southern District of Alabama begun and held in and for said District at Mobile on the second Monday of March in the year of our Lord one thousand eight hundred and forty, before their Honors John McKinley (presiding) Judge and William Crawford Judge of said Court on the twenty fourth day of March (said being a day of said Term) the following proceedings were had. Vizt —

Saturday January 23d 1841 Continued.

John McCaa — 2874 — Thomas R Borden — This day came the parties by their Attorneys whereupon also came the following Jury, viz: T. S. Butler, S. W. Steal, M. Lent, G. G. Johnson, L. Jones, J. Baptiste, J. Smith, F. C. Clows, J. H. Padelford, J. H. St. John, Jno Pollard, and R. Rea twelve good and lawful men who being elected tried and sworn upon their oaths do say that we the jury find for the plaintiff and assess his damages at seventy five hundred and fifty three dollars. It is therefore considered by the Court that the said John McCaa plaintiff do recover against the said Thomas R. Borden defendant the said sum of seventy five hundred and fifty three dollars the damages assessed in manner aforesaid by the Jurors aforesaid assessed together with his costs in this behalf expended. —

In Testimony Whereof, at office in the City of Mobile I have hereunto set my hand and affixed the seal of said Circuit Court this ninth day of December in the year of our Lord one thousand eight hundred and forty. —

Seal

Edward Files, Clk. S.C. So. Dist. Ala.

I do further certify that the said Thomas R. Borden has filed his writ of error in the above

Saturday January 25th 1845. Continued

entitled Cause to Carry the Same to the Supreme Court of the United States upon which a Supersedeas was granted.

In Testimony Whereof I as Clerk of the Circuit Court of the United States for the Southern District of Alabama do hereunto set my hand and affix the Seal of said Circuit Court this ninth day of December in the year of our Lord one thousand eight hundred and forty.—

(Seal)

David Files Clk. C.C.S.D. Ala.

and having failed that the said Plaintiff in Error had altogether failed to file the record of said Cause in this Court, or in any way to prosecute said writ of Error, now here moved the Court in pursuance of the 43rd rule of this Court to have the said writ of error docketed and dismissed— On Consideration whereof— It is now here ordered and adjudged by this Court that this writ of error be and the same is hereby docketed and dismissed with costs. and that this Cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said writ of error notwithstanding.— Per Mr. Ch. Js. Taney.—

Saturday January 23rd 1841 Continued.

Charlotte A. Parish	On appeal from the
81.	Court of Appeals for the
Harvey W. Ellis & wife	Territory of Florida —

Mr Wall of Counsel for the appellant having filed and read in Open Court the following suggestion of diminution of the record in this Case in this Court. That the Clerk of the Court has omitted to set forth that an appeal was prayed and allowed in this Case, that a citation in the Cause was filed and also an appeal bond. By reason of which omissions and errors aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Court of Appeals commanding them that searching the records and proceedings of said Court of Appeals in this Cause they shall certify to this Court under the seal of the said Court of Appeals whatever omissions and errors shall be found. On Consideration whereof It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Court of Appeals commanding them to certify under the seal of the said Court of Appeals whatever omissions and errors shall be found in this Cause and return the same with the true writ of Certiorari forthwith.

Saturday January 23rd 1841 Continued.

Ex parte. In the matter of Jefferson L Edwards Pet. No 74 of 1840. vs Jefferson Boarnham ...	The motion of the Sergeant made on a prior day of this Term Court on Monday the 11th inst was argued by him in support of the motion & by Mr. Key against the same.
Edmund M. Barnes & wife Pl. vs Complt Beverly Chew Def	The argument of this Cause was Commenced by Mr. Key for the Complainants and Continued by Mr. Coxe for the defendants. —

Proclamation being made the Court is adjourned until Monday Morning at eleven o'clock.

Monday January 25th 1841

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	John McKinley	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened.

At the opening of the Court this morning Mr Crittenden the Attorney General of the United States addressed the Court as follows.

"I have been requested by a meeting of the gentlemen of this Bar, and the officers of this Court, to submit the proceedings lately adopted by them in which they express their feelings at the loss sustained by the profession and the whole country in the death of

Monday January 25th 1841 Continued

Mr Grundy of Tennessee. They respectfully solicit the permission of the Court that they may be inserted among its records. Of a long life largely shaped in the practice and illustrated by the honors of a profession which he ever pursued with an honorable and elevated spirit, of a bland, cheerful, and generous intercourse towards those with whom he was called upon to act; of the exercise of an excellent judgment which guided all his actions and was tempered with a simplicity and a modesty that gave but the more force to the quickness of his intelligence and the extent of his learning - if these and the many qualities which procured an affectionate respect and remembrance from all who knew him, afford a reason for soliciting from the Court that favor which is now sought by the Bar, it will know that it will be promptly granted; for to none better than to those who have friends were these qualities known - by none more they more justly appreciated.

Respectfully move the Court that the resolutions which I now submit may be entered on its minutes."

To which Mr Chief Justice Taney made the following reply -

"The members of the Court have sincerely sympathized with the death of Mr Grundy, and unite with the Bar in expressing their respect and esteem for his character. The office of Attorney General of the United States which he recently held, connected him for a time closely with the business of this

Monday January 25th 1841. Continued.

Court, and we willingly bear testimony to his kind and amiable character as a man, as well as to his learning and ability as an officer. And concurring as we cordially do, in the resolutions adopted by the Bar they will be entered on the records of the Court.—

Whereupon it is ordered by the Court that the following proceedings be entered upon the minutes, viz.

"At a meeting of the Gentlemen of the Bar of the Supreme Court of the United States, at the Court room in the Capitol on the 20th day of January A.D. 1841 the Hon'ble Samuel D. Southard was appointed Chairman and Matthew Birchard Esq appointed Secretary.

The following resolutions were submitted by Hon Richard Peters and unanimously adopted, viz.—

Resolved, That the members of this Bar, and the officers of this Court feel much deep sensibility, the loss which the profession and the Country have sustained in the death of the Hon Felix Grundy, late Attorney General of the United States and a member of this Bar.

Resolved, That we cherish the highest respect for the professional learning of the deceased, for the purity and uprightness of his professional life, and for the amiable and excellent qualities which belonged to him as a man.—

Resolved, That to testify these sentiments we will

Monday January 25th 1841 Continued

wear the usual badge of mourning for the residue of the term.

Resolved, That Mr Gilpin the Attorney General of the United States do move the Court that these resolutions be entered upon the minutes of their proceedings —

The United States appt —	On appeal from the
42 vs	Circuit Court of the
The Libellants & Claimants of the	United States for the
Schooner Amistad, her tackle apparel	District of Connecticut —
and furniture, together with her Cargo	
and the Africans mentioned & described	
in the several libels and claims —	

Mr Adams filed and read in open Court the following suggestion in writing, viz't, — Ql. D. Adams of counsel for the said Africans moves the Court for a certiorari to the Judges of the Circuit Court of the United States for the District of Connecticut, to amend the record of the proceedings in the said Circuit Court in this case by sending up copies of the following papers — 1. The proceedings of the Court of Enquiry holden by the Honorable Judge of the District Court on board the Schooner Amistad on the 29th of August 1839 and particularly the Indictment against the said Africans for the murder of the Captain and mate & Cook of the said Schooner. The warrant of seizure issued by the said District Judge on the said 29th of August 1839 directed

Monday January 28th 1841 Continued –

& the Marshal of the said District, together with the instructions and other proceedings according to Law, and the return made by the said Marshal on the 30th of August aforesaid to the said warrant of seizure, and the return to the said monitions.

2. The two warrants of seizure issued by the said District Judge on the 18th of September 1839. and the returns of the Marshal thereunto with the process of monition and returns thereon.–

3. The warrant of seizure issued by the said District Court on the 19th of September 1839. and the return of the Marshal thereon –

4. The Bills of Indictment filed by the District Attorney against the said Africans for the murder of the Captain and Cook of the Amistad, and also for piracy: and the proceedings of the Grand Jury. and the instructions of the Circuit Court to the said Grand Jury thereon. –

5. The writ of Habeas Corpus in behalf of the said africans on the said 18th or 19th of Septr 1839 the return and the decision of the said Circuit Court thereon."–

"By reason of which premises and reasons aforesaid, the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court of the United States for the District of Connecticut commanding them that at

Monday January 25th 1841. Continued.

searching the record and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found — And on consideration whereof it is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of said Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. —

Edmund P. Grimes vs. Jno. Compt.	The argument of this cause was concluded by Mr. Grimes for the Complainants. —
24. " " Compt.	
Benj. Chew vs.	
James M. Vaughn vs.	The argument of this cause was commenced by Mr. Brent for the Appellants, continued by Mr. Cope for the Appellees and concluded by Mr. Brent for the Appellants.
23. " " Appts.	
Henry Northup Admr. of	
James Moody dec'd vs.	

Monday January 25th 1841. Continued.—

Eggleston & Boyd. }	This cause having been
26. "	called for argument
Ephraim S. Wyles. —	and no Counsel appear-
	ing. It is now hereupon

ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court. —

Proclamation being made the Court is adjourned until tomorrow Morning at eleven o'clock. —

Tuesday January 25th 1841

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney		Chief Justice.
	Joseph Story		
	Smith Thompson		
The Hon'ble	John McLean		Associate Justices.
	Henry Baldwin		
	James M. Wayne		
	John Catron		
	John McKinley.		

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Henderson. It is ordered that H. Blount Forte and Reuben Davis Esquires of the State of Mississippi be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Tuesday January 25th 1841 Continued

On motion ordered by the Court on the behalf of Mr. Southard Hammond that John Rutherford Esqr of the State of New Jersey be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Susan Maybury. appt

vs

John McKeown Brien, Henry Augustus Brien Catharine Brien Rourke. Teresa Brien.

In appeal from the Circuit Court of the United States for the District of Maryland.

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the district of Maryland and was argued by Counsel. On consideration whereof. It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Wm. Mc. Dus. McLean. —

Estate of John Kelly et al

vs

William Lemon Jun.

It is now here ordered by this Court that this cause be and the same is hereby continued to the next term of this Court. And it is also now here further ordered that the clerk of this court inform the Clerk of the Circuit Court

Tuesday January 25th 1841. Continued –

for the Kentucky district of the pendency of this case on the Calendar of this Court during Term to inform the defendants in the case, and also to inform the Clerk of this Court whether the said defendants intend employing Counsel to argue the case in this Court. –

The United States plaintiffs in Error vs. The Bank of Metropolis –	The argument of this cause was commenced by Mr Key General for the plaintiff in Error and continued by Mr Coxe for the defendant in Error –

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. –

Wednesday January 2nd 1844. —

Pursuant to adjournment the Court met this morning at the Capitol. —

Present

The Honorable Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
The Honble Henry Baldwin
James M. Wayne
John Catron
John McKinley.

Alexander Hunter Esqre Marshal
William Thos Carroll Clerk.

Proclamation being made the Court is opened.

The Rules of Jan. Term 1844 of this Court

Ordered

That the Rules of this Court

Shall be the Rules of the Supreme Court of the State of Ohio —

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio and was argued by Counsel.

On Consideration whereof It is now here ordered and adjudged by this Court that the writ of Error

Wednesday January 27th 1841 Continued

be and the same is hereby dismissed for the want of jurisdiction. — Jr. Mr. Ch. Jus. Taney. —

Smith Harpending Def. in Er. 60. vs. The Ministers &c of the Reformed Protestant Dutch Church.	On motion of Mr. Wood of Counsel for the appellee suggesting that the mandate of the Circuit Court had been rendered in this case within the thirty days immediately preceding the present term of this court. It is now here ordered by this court that the cause be and the same is hereby continued to the next term of this court.
The United States Plff in Er. 27. vs. The Bank of Metropolis.	The argument of this cause was continued by Mr Key for the defendant in Error and concluded by Mr Attorney General for the Plaintiff in Error.
The United States Plff in Er. 28. vs. Samuel W. Dickson.	The argument of this cause was commenced by Mr Berrien for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday January 28th 1841.—

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin | Associate Justices.
James M. Wayne
John Catron
John McKinley

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on the behalf by Mr Wood. It is ordered that Zaccur Hall Esqre of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Thursday January 28th 1841. Continued.

The United States pff in Er 28. vs Samuel M. Jackson dal	The argument of this cause was continued and concluded by Mr Attorney General for the pflaintiff in Error.
Barnett & Eliza Levy pff in Er 31. vs Ed. Tilyshatuck	This cause was argued by Mr Legaye for the defendants in Error, and submitted on a printed argument by Mr Garland for the pflaintiff in Error.
The United States pff in Er 33. vs Gideon L. Boyd dal	This cause was argued by Mr Attorney General for the pflaintiff in Error and submitted by Mr Lawrence on a printed argument for the defendants in Error.

Proclamation being made the Court is adjourned until tomorrow morning

Friday January 29th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate Justices
James M Dougal
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Richard L Wilkins Plff in Er v. Oliver Holmes Deft	It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court, and that the same be reargued.

Friday 29th January 1841 Continued.

Gustavus Bunkel Plff in Er 5. vs Lessee of Oliver Hickman et al	It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court and that the same be re-argued.
Jesse Hoyt (U.S. Plff in Er 34. vs David Haldeman et al	This cause was argued by Mr Attorney General for the Plaintiff in Error and submitted on a printed argument of Mr Sevier for the defendants in Error.
Philip Mims Plff in Er 37. vs The United States	This cause was argued by Mr Attorney General for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday January 30th 1841. —

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices.
	James M. Wayne	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk —

Proclamation being made the Court is opened. —

The United States pltff	This cause was argued by Mr.
vs.	Attorney General for the Pltff
Williams Defendant	in Error and submitted on a printed
	argument by Mr Sawyer for the
	Defendant. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Monday February 1st 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices.
	James M Wayne	
	Philip P Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in behalf of Mr Giles. It is ordered that Richard R. Randolph Esquire of the State of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Monday February 1st 1841 Continued.

On motion first made to the Court in this behalf by Mr Innes. It is ordered that James H. Birch Esquire of the State of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Crane. It is ordered by the Court that Nathaniel C. McLean Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Archibald K. Smith—	In Error to the Circuit
vs.	Court of the United States
Alfred Clapp—	for the Southern District
	of Alabama—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.— Ps. Mr Justice McKinley—

Monday February 1st 1841 Continued

Edmund P. Grimes & Wife	On a Certificate of division
24. vs.	in opinion between the
Beverly Chew, Richard Relf	Judges of the Circuit
and others.	Court of the United States
	for the Eastern District of Louisiana.

This Cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel On Consideration whereof it is the opinion of this Court 1st That Chancery practice does prevail and should be extended to litigants in the said Circuit Court and in this Cause 2nd That the order of the said Court of the date of 9th March 1837 should be annulled and vacated - and lastly that this cause should be placed upon a rule docket and the Complainants be permitted to proceed according to Chancery practice and the defendants be required to answer without oyer of the documents prayed for or a perusal of the Bill in such as prayed for. a Exception to it now here entered and denied by this Court which is to be certified to the said Circuit Court with directions to proceed accordingly.

Monday February 1st 1841. Continued.

James Mosby Vaughn, Thomas Vaughn, Village Vaughn, John Vaughn, William F. Smith & Elizabeth Smith his wife, and Caleb Nelson & Catharine S. Nelson his wife.

25. "

Appl.

Henry Northup, admr of James Mosby Benjamin Mosby, Mary Mosby, William Harvey, and Ann Harvey his wife, Daniel McAlister and Catharine McAlister his wife, John L. Neale and Sarah Neale his wife, Wales T. C. Lansdale and Susan F. Lansdale his wife, Thomas Marshall and Rebecca Marshall his wife, Madison Miller and Elizabeth Miller his wife, Benjamin Mosby and Ann Mosby his wife, Sarah F. Mosby, Luke Church, and Mary F. Church his wife Elizabeth Mosby, Ann Posey, William Long and James Z. Long

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof, It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Pr. Mr. Justice Story.—

Monday February 1st 841. Continued.—

Ex parte. In the matter of Jefferson L Edmonds and Dorothy Ann his wife, Robert H. Spencer & Sarah his wife, late Sarah S. F. Washington, & Minor W. Gray & Mary his wife, late Mary B. Washington — applts —

No 74 of 840.

vs

Anderson Grenshaw . . . . .

On appeal from the Circuit Court of the United States for the Southern District of Alabama . . .

On Consideration of the motion made by Mr Sergeant on a prior day of the present term of this Court, to wit. On Monday the 11th inst. and of the arguments of Counsel thereupon had as well against as in support of said motion. It is now here ordered adjudged and decreed that the judgment and decree of this Court rendered in the above entitled cause on Wednesday the 25th day of February A.D. 1840 be and the same is hereby declared utterly null and void, and that the mandate of this Court directed to the Judges of the said Circuit Court in this cause be and the same is hereby recalled. And it is also now here further ordered that the Clerk of this court do forthwith send to the Judges of the Circuit Court of the United States for the Southern District of Alabama a copy of this order of the Court under the Seal of this Court together with a copy of the opinion of this Court pronounced this day. —

Monday February 1st 1841. Continued.

Hord Martin vs. Pfft in E. " " Error of Dist Ct Va.	The argument of the cause was continued for Mr. Rives for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow Morning at eleven Oclock.

Tuesday February 2d 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	
The Court	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webb. It is ordered that David A. Hayes Esquire of the State of New Jersey be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday February 2d 1841. Continued.

Hord Martin vs Jeffries &c.	The argument of the cause was continued by
2 " "	Mr. Sherwood and
Lefevre of Wm. C. & Wm. Lefevre	Southard for the Defendant
	in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Wednesday February 3d 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices.
	James M Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	
Alexander Hunter Esqre		Marshal
William Thomas Carroll		Clerk.

Proclamation being made the Court is opened.

Merit Martin vs. Pltff in Er.	The argument of this cause
12.	was continued by Mr Southard
Lessee of Mr C H Waddell.	for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Thursday February 4th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf by Mr. Cope. It was ordered that Henry C. Whitman Esqre of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday February 4th 1841. Continued.

Merit Market vs. Jeffers & Co.	The argument of this cause was continued by Mr Wood for the Plaintiffs in Error.
Ex parte Mrs C. H. Carroll.	

(Proclamation being) made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday February 5th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
Philip P. Barbour
John Catron
John McKinley

The Honble Associate Justices

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened.

On motion first made to the Court in Behalf of Mr. Fish It is ordered that Jonathan H. Pidcock Esqre of the State of Indiana be admitted & practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Friday February 5th 1841 Continued

On motion first made to the Court in this behalf by Mr Tilghman. It is ordered that A. Mann Jr Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

The United States pltff 38. William Linn et al	The argument of this cause was continued by Mr Coxe for the defendants and concluded by Mr Attorney General for the Plaintiff —
The United States pltff in Err 39. John Fitzgerald et al'e	The argument of this cause was commenced by Mr Attorney General for the Plaintiff in Error, continued by Mr Bell for the defendants in Error and concluded by Mr Attorney General for the Plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Saturday February 5th 1831.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate Justices
James M. Wayne
Philip P. Barbour
John Catron
John McKinley.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Gilpin. It is ordered that Lewis C. Cass Esquire of the State of Michigan be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Saturday February 6th 1841 Continued

On motion first made to the Court in this behalf by Mr Walker. It is ordered that A G Brown Esquire of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he enter Coms according ly —

Charles Conlet. plff in Er vs The United States —	The argument of this cause was commenced by Mr Grant for the plaintiff in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Monday February 8th 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M Wayne	
	Philip P Barbour	
	John Catron	
	John McKinley.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Gilpin It is ordered that Charles F Jones Esquire of the District of Columbia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Monday February 8th 1841. Continued

On motion first made to the Court in this behalf by Mr Peters. It is ordered that S. Rowland Blount Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

John D Amos. Plff in Er & Dyer Pearl — vs	In Error to the District Court of the United States for the Northern District of Mississippi —

Mr Cox of Counsel for the Defendant in Error having filed and read in open Court the following writ of Error and Citation, Viz —

"United States of America
The President of the United States
To the Judge of the District Court of the United States for the Northern District of Mississippi Greeting.

Because in the records and proceedings as also in the rendition of the judgment of a plea which in the said District Court before you between Dyer Pearl Plaintiff and Daniel F Alexander Edwin F Watkins Samuel S Fields, Madison McCahall Reading F Blount, Richardson Owen, Edward Fatherston, James Eckford, William Covington, McKinney Columnes Sick Pebbles, William B. Lightfoot, William P. Butler, Elisha C. Sharp,

Monday February 8th 1841. Continued

Richard E. Heath William Dorsey Jr. James Jones, Ewing F. Calhoun, William Woodward, Richard H. Brown, John P. Ames, John L. Ames, Alexander M. Tasky, William Dorsey Jr. Madison W. Humphries & Armstrong & Hodges Partners using the joint name and style of the Real Estate Banking Company of Columbus Mississippi Defendants a manifest error hath happened to the great damage of the said John L. Ames as by his complaint appears. We being willing that error if any should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do Command you that if Judgment be therein given that then under your seal distinctly and openly you send the record and proceedings aforesaid with all things Concerning the same to the Supreme Court of the United States together with this writ, so that you have the same at Washington on the second Monday of January next in the said Supreme Court to be then and there held, that the record and proceedings aforesaid being inspected the said Supreme Court may cause further to be done therein to Correct that error what of right according to law and custom of the United States should be done.

Witness the Honorable Roger B. Taney

Chief Justice of said Court the Second Monday of January in the year of our Lord One thousand eight hundred and forty, and of the Independence of the United States the 54th. —

Seal

Issued the 26th day of June 1840 —

R. G. Ragsdale, Clerk of the District Court of the United States for the Southern District of Miss. —"

"United States of America, S.S. —

To Lyon Peart Greeting. —

You are hereby cited and admonished to be and appear at a Supreme Court of the United States to be held at Washington on the Second Monday in January next pursuant to a writ of error filed in the Clerks office of the District Court of the United States for the Southern District of Mississippi, wherein John D. Amis is Plaintiff and you are defendant in Error to shew cause if any there be why the judgment in the said writ of Error mentioned should not be corrected and speedy justice should not be done to the parties in that behalf.

Witness Samuel J. Gholson Esqr Judge of the District Court of the United States for the Southern District of Mississippi this 26th day of June in the year of our Lord one thousand eight hundred and forty and in the 64th year

Monday February 8th 1841 Continued.

of the Independence of the United States —

S. S. Skelton"

and having stated that the said plaintiff in Error had altogether failed to file the record of said Case in this Court or in any way to prosecute said writ of error. Now here moved the Court in pursuance of the Forty third rule of this Court to have the writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error to the District Court of the United States for the Northern District of Mississippi be and the same is hereby docketed and dismissed with Costs. And that this cause be and the same is hereby remanded to the said District Court of the United States for the Northern District of Mississippi for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding. —

Jr. McKee Atty

Charles Gaulet Pff in Er	The argument of this cause
&c. " "	was continued by Mr Brent
The United States —	for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Tuesday February 9th 1841

(Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Court	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

(Proclamation being) made the Court is opened

Colin Mitchel, John Carnochan,	On appeal from the
Peter Mitchel, Benjamin W. Rogers	Superior Court of the
Benjamin Marshall & John Graham	Middle District of Florida
vs.	This cause came on
The United States.	to be heard on the Tran-
	script of the record from

the Superior Court of the Middle District of Florida

Tuesday February 9th 1841 Continued.

and was argued by Counsel. On consideration whereof It is ordered and decreed by this Court that the decree of the said Superior Court in this cause be and the same is hereby affirmed. — P. M. Ho. Wayne.

The United States Plff in Er. vs. Samuel M. Lockett, Vincent Murphy, Vernon C. Locke, James Todd & Charles Mendel — Defts

In Error to the Circuit Court of the United States for the Southern District of Mississippi

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — "P. M. Ho. Story."

The United States Plff in Er. vs. Gordon & Boyd Samuel Ruggles Francis Leech, Buckner Harris & Edwd. Boyd Joseph Grigsby, William Todd, Richard Peter, Sylvester Pearle & Stephen Locke.

In Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record

Tuesday February 9th 1841 Continued

from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On Consideration Whereof, It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to overrule the demurrer and to enter judgment for the penalty of the Bond in favor of the plaintiff against the defendants to be discharged by the assessment and payment of damages on the second breach in the replication unless the pleading, or leave granted, be amended in pursuance of such judgment and assessment of damages.—

Per Mr Justice Catron.—

Charles Gaulet Plff in Er
40.
The United States.—

The argument of this cause was continued by Mr Brent for the plaintiff in Error and by Mr Attorney General for the Defendant in Error.—

Tuesday February 9th 1841. Continued.

Stephen Cocke for the use of the Commercial Bank of Columbus Mississippi — Jeff in Er- 3a — "a" — Joseph A. Kelsey, John Ller, Charles M. King, and William L. Ller. — —

In Error to the Circuit Court of the United States for the Southern District of Mississippi.

Mr. King of Counsel for the Defendants in Error having filed and read in open Court the following Suggestion of diminution of the record in this, towit:—

"That the record does not contain the order of the Court of Probate for Lowndes County appointing Mr. P. Fuller Clerk, pro tempore, which the appellant contends gave him authority to record the deed under which he claims." By reason of which omission and error aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found — on Consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify

Tuesday February 9th 1841. Continued.

under the seal of the said Circuit Court whatever errors and error shall be found in this cause and return the same with the said writ of Error forthwith to this court. —

William M Gwin Marshal of the Southern District of Mississippi — Pl'ff in Er

vs.

James M. Breedlove

In Error to the Circuit Court of the United States for the Southern District of Mississippi

Mr King of Counsel for the defendant in Error having filed and read in open Court a certificate of the Clerk of the Circuit Court of the United States for the Southern District of Mississippi. in the words & figures following) to wit —

"United States of America }
Southern District of Mississippi } Circuit Court ss.

I William Burns Clerk of the Circuit Court of the United States for the Southern District of Mississippi do hereby certify that a judgment was rendered at the term thereof in 1839 of said Court as follows viz. —

James M. Breedlove — vs — William M. Gwin Marshal of the Southern District of Mississippi

Judgment 27th Nov 1839 for $1700. with legal interest thereon from date together with twenty five per cen. Dam damages thereon

Tuesday February 9th 1841. Continued.

to which judgment the defendant sued out a writ of Error to the Supreme Court of the United States gave bond and security according to law and that a transcript of the record in said case was made out and delivered to the Attorney of the Plaintiff in Error.

Given under my hand and the seal of said Court at Jackson this 3d day of March A.D. 1840. Wm Burns Clk"

and now stated that the said Plaintiff in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of error, now here moved the Court in pursuance of the 43d rule of this Court to have this writ of error docketed and dismissed. In Consideration Whereof. It is now here ordered and adjudged by this Court that this writ of error to the Circuit Court of the United States for the Southern District of Mississippi be and the same is hereby dismissed with costs, and that this Cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern district of Mississippi for further proceedings to be had therein in conformity to law and justice the said writ of error notwithstanding.—

Jos. M. Ins. Story. —

Proclamation being made the Court is adjourned until

Wednesday February 10th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate Justices.
James M Wayne
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Henry Brush ..... Appellant.

22 vs

John H Ware, Edmund M Ware, William W Ware, Susan M. Ware widow of Robert S Ware dec? and Mary W. Ware and Roberta Anna Ware infant children of the said Robert S Ware, by Susan M Ware their Mother, Guardian and next friend.

Wednesday February 10th 1841. Continued -

On appeal from the Circuit Court of the United States for the District of Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel - On consideration whereof it is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

Pr. M. Chs. McLean -

Charles Gratiot. Jeffries &c 40 The United States —	This cause was further argued by Mr Attorney General for the Defendant in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock

Thursday February 11th 1841.

(Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M Wayne
Philip P Barbour
John Catron
John McKinley

The Honble Associate Justices

Alexander Hamilton Esqre Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf of Mr Ward. It is ordered that John A. Morrell Esqr of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thursday February 11th 1841 Continued.

On motion leave was made to the Court in this behalf by Mr Gilpin It is ordered that T R Strong Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly —

William M. Gwin, Marshal of the Southern District of Mississippi pl. in Er. vs Joseph Griffin & James W. Breedlove —	On motion of Mr Key of Counsel for the Defendant in Error. It is now here ordered by the Court that the Clerk do forthwith issue the Mandate in this case. —
Charles Gratiot. Joseph Griffin & 40 ..... vs ..... The United States —	The argument of this Cause was continued by Mr Attorney General for the Defendant in Error and by Mr Lowe for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 12th 1841.

Pursuant to adjournment the Court met this (morning) at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk -

Proclamation being made the Court is opened.

On motion ordered that Caleb P. Patterson Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he may produce recognizances -

The United States appt & vs John Redman, assignee of Robert McHardy dec'd & Melanie Richey, Caroline Ann McHardy & Mary Eliza McHardy, children & heirs of Robt McHardy dec'd	On appeal from the Superior Court for the District of East Florida. This cause came on to be heard on the

transcript of the record from the Superior Court for the District of East Florida and was argued by counsel. On consideration whereof, It is adjudged and decreed by this Court, that the decree of the said Superior Court in this cause, so far as it declares the claim of the Petitioners to be valid, be and the same is hereby affirmed in all respects, and that a Survey be made of the lands contained in the said Concession, according to the terms thereof, for the number of acres and at the place therein designated; provided it does not interfere with the rights of third parties. And it is further ordered by the Court, that a mandate be issued to the Surveyor of Public Lands, directing him to do and cause to be done, all the acts and things enjoined on him by law and as required by the opinion and decree of this court in this case, and that this case be remanded to the said Superior Court for further proceedings to be had therein in conformity to this decree, and the opinion of this court, which must

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Friday February 12th 1841 Continued

The United States Appt
vs
The Heirs of Joseph Delespine Decd
Michael Fagan & John Sigwald

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel On consideration whereof It is adjudged and decreed by this Court that the decree of the said Superior Court in this cause so far as it declares the claim of the petitioners to be valid, be and the same is hereby affirmed in all respects and that a survey be made of the lands confirmed in the said Concession according to the terms thereof, for the purpose of ascertaining the place therein designated, provided it does not interfere with the rights of third parties: And it is further ordered by the Court that a mandate be issued to the Surveyor of Public Lands directing him to do and cause to be done all the acts enjoined on him by law, and as required by the decree and opinion of this court in this case; and that this case be remanded to the said Superior Court for further proceedings to be had therein in conformity to the decree, and the opinion of this court, which must be annexed to the Mandate. —

P. V. Mr. Ju. Wayne. —

Friday February 12th 1841. Continued.

James G Campbell et al vs To Jas Innerarity et al	Appeal from the Circuit Court of the United States for the Southern District of Alabama.

Mr Webster of Counsel for the appellees having filed and read in open court a certificate of the Clerk of the Circuit Court of the United States for the Southern District of Alabama in the words and figures following viz.—

"Proceedings had the Hon. the Circuit Court of the United States for the ninth Judicial Circuit and Southern District of Alabama at a Term thereof begun and held in and for said District at Mobile on the second Monday of March in the year of our Lord one thousand eight hundred and forty before his Hon. John McKinley Presiding Judge and the Hon. William Crawford Judge of said Court—

Thursday Morning March 31st 1840

Jas G Campbell et al vs Jas Innerarity et al	This day came the parties by their Solicitors and this Cause coming on to be heard upon Bill and Demurrer,

It is thereupon ordered, adjudged and decreed by the Court, that the said Bill be dismissed, that the said Demurrer be sustained, and the said defendants re

Friday February 12th 1841 Continued.

Friday (Morning) April 3d 1840

Jno G Campbell et als
vs
Jno Innerarity et al

This day came the Complainants by their Solicitors into open Court and pray an appeal from the decree of this Court to the Supreme Court of the United States. Whereupon it is ordered by the Court that said appeal be granted, and that said Complainants execute bond with good security in the sum of Two Hundred and fifty dollars to appear & to costs in the Supreme Court of the United States and that William Hale be accepted as such security or

In Testimony that the above is a true Copy from the Minutes of the Court aforesaid I have at office in the City of Mobile hereunto set my hand and affixed the Seal of said District Court this first day of December in the year of our Lord one thousand eight Hundred and forty.

Jno Finn Clk D.C.U.S. for Dist Ala."

And now to wit This 3d day of April 1840 it appearing to the Court that the said Complainants have failed to file the record of said case in this Court & in any way to prosecute said appeal now here ordered the Court in pursuance of the 33d rule of this Court to have this appeal docketed and dismissed—

In Consideration Whereof It is now here ordered and

Friday February 12th 1841. Continued.

decreed by this court that this appeal from the decree of the Circuit Court of the United States for the Southern District of Alabama be and the same is hereby docketed and dismissed with costs, and that the cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said appeal notwithstanding —

Jos. McKinley —

James G Campbell use. &c. Pltf	On appeal from the
pf. To	Circuit Court of the
James Innerarity use —	United States for the
	Southern District of Alabama.

Mr Webster of Counsel for the appellants having filed and read in open Court a certificate of the Clerk of the Circuit Court of the United States for the Southern District of Alabama in the words & figures following, to wit

"Proceedings had before the Hon. the Circuit Court of the United States for the South District Circuit and Southern District of Alabama at a Term thereof begun and held in and for the said District at Mobile on the second Monday of March in the year of our Lord one thousand eight hundred and forty before the Hon.

Friday February 13th 1841. Continued

the Hon McKinley Presiding Judge and the Hon William Crawford Judge of said Court —

Thursday Morning March 21st 1840.

Jno. Campbell et als
vs
Jno Innerarity et als

This day came the parties by their Solicitors and this cause coming on to be heard upon the Bill and demurrer. It is therefore adjudged and decreed by the Court that said Bill be dismissed, that the said demurrer be sustained, and that the said defendants recover their costs in this behalf expended.

Friday Morning April 3d 1840.

Jno. Campbell et als
vs
Jno Innerarity et als

This day came the Complainants by their Solicitors into open Court, and pray an appeal from the decree of this Court to the Supreme Court of the United States. Whereupon It is ordered by the Court that said appeal be granted, and that said Complainants execute bond with good security in the sum of Two Hundred and fifty dollars, to answer the costs in the Supreme Court of the United States, and that William Hall be accepted as such security —

In Testimony that the above is a true copy from the Minutes of the Court aforesaid I have at office in the City of Mobile Decemb 1st this my hand and affixed

Friday February 12th 1841. Continued –

the seal of said Circuit Court this first day of December in the year of our Lord one thousand eight hundred and forty –

David Files. Clk. by C. Sam. Gist. Dpt."

and having stated that the said appellants had altogether failed to file the record of said case in this Court or in any way to prosecute said appeal, now here moved the Court in pursuance of the 43d rule of this Court to have this appeal docketed and dismissed. On Consideration whereof It is now here ordered and decreed by this court that this appeal from the decree of the Circuit Court of the United States for the Southern District of Alabama be and the same is hereby docketed and dismissed with costs. and that this cause be and the same is hereby remanded to the said Circuit Court of the United States for the Southern District of Alabama for further proceedings to be had therein in conformity to law and justice the said appeal notwithstanding –

Per Mr Justice Story. –

Charles Gaylord Plff in Er vs The United States	The argument of this cause was concluded by Mr Jones for the Plaintiff in Error.

Friday February 12th 1841 Continued.

Moses Grove's Adm. Pltff in Er 35. vs Robert Slaughter —	The argument of this Cause was Commenced by (Mr. E. Walker for the Pltff in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 13th 1841.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the court is opened

Moses Grant vs. Joseph	This cause was further
35	argued by Mr Walker
Robert Slaughter	for the plaintiff in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday February 15th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Mr Justice Story
Mr Justice Thompson
Mr Justice McLean
The Honble Henry Baldwin Associate Justices.
Mr Justice Wayne
Mr Justice Barbour
Mr Justice Catron
Mr Justice McKinley

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Wall. It is ordered that Daniel Haines Esqre of the State of New Jersey be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Monday February 15th 1841 Continued

Moses Grove vs. Joseph Hoffman & al	The argument of the cause was continued by Mr Leathers for the plaintiff in error
Robert Slaughter	

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock A.M.

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Tuesday February 15th 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honorable	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	
	Alexander Hunter Esqre	Marshal
	William Thomas Carroll	Clerk

(Proclamation being) Made the Court is opened.

On motion first made to the Court in the behalf by Mr Fonthard. It is ordered that F. L. Maxwell Esqre of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Tuesday February 15th 1841 Continued

On motion first made to the Court on this behalf by Mr Clay. It is ordered that I. N. Reynolds Esquire of the State of New York be admitted to practise as an Attorny and Counsellor of this Court and he was sworn accordingly. —

On motion first made to the Court on this behalf by Mr Baldwin. It is ordered that Henry C. Flagg Esquire of the State of Connecticut be admitted to practise as an Attorny and Counsellor of this Court and he was sworn accordingly.

The United States appellants v. Jane Depeyster & Sophia Coleman Children and heirs of John Forbes dec'd	On appeal from the Superior Court for the District of East Florida. This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On Consideration whereof. It is the opinion of this Court that the grant or Concession is void for the want of identity, that it appropriates no lands, that the said petitioner has acquired no right or title to any specific land — Whereupon it is now here ordered and decreed by this Court that the decree of the said Superior Court in this cause

Tuesday February 15th 1841. Continued -

be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said Superior Court with directions to enter a decree in conformity to the opinion of this Court. -

J. P. McKinley. Chief Justice. -

Micah Hoxsemer Claimant of part of the Cargo of the Schooner North Carolina - Appt	On appeal from the Court of appeals for the Territory of Florida. --
18. vs	
Oliver O'Hara, agent for Hyam of Isaac & Lawton Gibbliant	This cause came on to be heard on the transcript of the record from the Court of appeals for the Territory of Florida and was argued by Counsel - On consideration whereof, It is ordered and decreed by this Court that the decree of the said Court of appeals in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Court of Appeals with directions to that Court to enter a decree for the value of the Seventy two Bales of Cotton as fixed by the Stipulation with interest from the date of that instrument with costs, reserving to the owners, or others interested in the Cargo of the North Carolina, the right to institute proceedings in the proper Court of admiralty to recover the value

Tuesday February 16th 1841 Continued

of the remaining fifty Dollars with interest & costs.

Jos. Mr. Ch. Jus. Taney

John P. Heiskell & William Lidleton — Plff in Er.	In Error to the Circuit Court of the United
vs.	States for the Middle
Theodore M. Rives & William Davidson Exrs of Landon	District of Tennessee —
and William B. Fay. —	This cause came on to be heard on the transcript

of the record from the Circuit Court of the United States for the Middle District of Tennessee and was argued by Counsel. On Consideration Whereof, It is ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of ten per centum per annum. —

Jos. Mr. Ch. Jus. Taney. —

John B. Gorman, Leonard Horn and William G. Steele —	In Error to the Circuit
vs.	Court of the United States
Lewis H. Machen, John M. Williams, Thomas	For the District of Columbia
Wales & Lucinda his wife, Executors of the	holden in and for the
last will & Testament of Peter Force, and	County of Washington —
	This cause came on to be

Tuesday February 16th 1841. Continued.

the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration whereof It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this Cause be and the same is hereby affirmed with Costs and damages at the rate of six per centum per annum. — (Vide Mr. McLean. —

Moses Groves Pltf. in Er. vs. Robert Slaughter. —	The argument of this Cause was continued by Mr. Jones for the defendant in Error. —

(Proclamation being) made the Court is adjourned until to morrow (morning) at eleven o'clock. —

Wednesday February 17th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened.

John Buyck, widow of John Augustin Buyck and the heirs of said Buyck
vs.
The United States

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was

Wednesday February 17th 1841 Continued

argued by Counsel. On Consideration whereof it is ordered and decreed by this Court that the decree of the said Superior Court in this Cause be and the same is hereby affirmed.

Pr. Mr. Justice Wayne.

Barnett Levy & Eliza Levy vs. (a.) Edmund Fitzpatrick and David Fitzpatrick	In Error to the Circuit Court of the United States for the Eastern District of Louisiana

This Cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof it is ordered and decreed by this Court that this writ of Error be and the same is hereby dismissed with costs

Pr. Mr. Justice McKinley

Rose Groves val. pltff in Er vs. Robert Slaughter	The argument of this Cause was Continued by Mr. Rowe & Clay for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow (Morning) at eleven o'clock.

Thursday February 18th 1841.—

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened

On Motion first made to the Court in this behalf by Mr Clay. It is ordered that William T. Murphy esqr of the State of Ohio be admitted to practise as an Attorney and Counsellor of this Court and he is sworn accordingly. —

Thursday February 18th 1841. Continued.

Thomas Annis. pff in Er — vs Albert A. Parmela, Gustavus A. Kilburn & Charles W. A. Rogers, partners in trade under the firm name & style of Parmela, Kilburn & Rogers.	In Error to the District Court of the United States for the Northern District of Mississippi.

Mr. Peters of Counsel for the Defendants in Error having filed and read in open Court the following writ of Error to wit.

"The United States of America —
The President of the United States
To the Judges of the District Court of the United States for the Northern District of Mississippi — Greeting: —

Because in the records and proceedings, as also in the rendition of the Judgment of a plea which is in the said District Court before you between Albert A. Parmela Gustavus A. Kilburn & Charles W. A. Rogers partners in trade under the firm name and style of Parmela Kilburn & Rogers, Plaintiffs and Thomas Annis as Defendant, a manifest error hath happened to the great damage of the said Thomas Annis as by his Complaint appears. We being willing that error if any should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf. Do Command

Thursday February 18th 1841 Continued.

you that if judgment be therein given, that then under your seal distinctly and openly you send the record and proceedings aforesaid with all things concerning the same to the Supreme Court of the United States together with this writ, so that you have the same at Washington on the second Monday of January next, in the said Supreme Court then and there held that the record and proceedings aforesaid being inspected the said Supreme Court may cause further to be done therein to correct that error what of right and according to law and custom of the United States should be done.

Witness the Honorable Roger B. Taney Chief Justice of said Court the second Monday of January in the year of our Lord one thousand eight hundred and forty, and of the Independence of the United States the 65th.

Issued the 22d day of December A.D. 1840.—

E. K. Pegrade, Clerk of the Last Ct. No. Dist. Mississippi.—

And having filed that the plaintiff in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of Error now here moved the Court in pursuance of the forty third rule of this Court to have this writ of error

Thursday February 18th 1841. Continued

docketed and dismissed - On Consideration whereof It is now here ordered and adjudged by this Court that this writ of error to the District Court of the United States for the Northern District of Mississippi be and the same is hereby docketed and dismissed with Costs and that this cause be and the same is hereby remanded to the said District Court of the United States for the Northern District of Mississippi for further proceedings to be had therein in Conformity to law and justice the said writ of error notwithstanding. —

Ord. by Mr. Ch. Jus. Taney. —

John B. Gorman Adm. &c. Pltff in Er
30.
Peter Ennis & wife. ——— Deft in Er

It having been suggested to the Court that John B. Gorman one of the Defendants in Error had departed this life since the adjournment of this court at the last Term of this Court. It is now here Considered and ordered that the judgment of this court be entered as of the first day of the last Term. —

Ord. by Mr. Ch. Jus. McLean. —

Thursday February 18th 1841. Continued.

Moses Grove's Adm. Pltff in Er vs Robert Slaughter —	The argument of this Cause was concluded by Mr Gilpin for the Pltff in Error. —
Matthew Kobler — a Pltf vs the heirs of Duncan McArthur.	By consent of Counsel it is now here ordered by the Court that this Cause be and the same is hereby continued to the next term. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Friday February 19th 1841. Continued

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
The Honble James M Wayne
Philip P Barbour
John Catron
John McKinley
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk . .

Proclamation being made the Court is opened.

Moses Grow vs. Joseph in Error	This Cause was argued by Mr Webster for the Defendant in Error and by Mr Walker for the Plaintiff in Error. —
35.	
Robert Slaughter —	

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Saturday February 20th 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices.
	James M. Wayne	
	Philip P. Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened —

The United States Appt vs. The Schooner Amistad &c	The argument of this cause was commenced by Mr Attorney General for the appellants —

Proclamation being made the Court is adjourned until Monday morning at eleven oclock. —

Monday February 22d 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M Wayne	
	Philip P Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Gilpin. It is ordered that John Nowell and Stevens T. Mason Esqrs of the State of Michigan be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Monday February 22d 1841 Continued

The United States pff
vs
William Linn Lewis P. Saunders
Samuel Du Bois M. Lemen Nelson
Wilkins Tinker Sa William P. G
Camp. Hayward Thrall & Joseph Lemon

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Illinois and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel - On Consideration Whereof, it is the opinion of this Court 1st That the obligation set out in the Record and Counts in the declaration being without Seal is not a bond within the act of Congress - and 2d That such an instrument is good at Common Law - Whereupon it is ordered and adjudged by this Court that it be so certified to the said Circuit Court -

Mr Justice Thompson. —

Monday February 22d 1841 Continued

The United States - Jeff'n &c	The argument of this
12 vs	Cause was continued
The Schooner Amistad &c.	by Mr Attorney General
	for the appellant and

by Mr Baldwin for the appellee —

Proclamation being made the Court was adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 23d 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M Wayne	
	Philip P Barbour	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Steven O'Hara for himself and for the other heirs of Samuel Hammond &c. vs. The United States —

On appeal from the Superior Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel — On Consideration

Whereof It is ordered and decreed by this court that the decree of the said Superior Court in this cause be and the same is hereby affirmed in all respects. —

Js. M. Mr Kn. Wayne. —

Lem Young Sally A Young Eliza Young Hannah C Young Margaret E Young Elias Young Robert A Young Lewis A Young Sarah E Alexander Silas Alexander dec'd of the P. Alexander Thomas Alexander Samuel Alexander Mark Alexander Jane Thurston Thos M Thurston Mary Ann Thurston Ellen C Moore Hannah C Parks Sarah E Parks Mary A Parks Elizabeth E Parks and Eleanor Moore Legatees of the Parks deceased — Appt

54.

Edward S Smith and Henry N Allen Executors of the last will & Testament of John Parks deceased —

Or Appeal from the Circuit Court of the United States for the Southern District of Alabama —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel — On Consideration whereof It is the opinion of this court that the decree in this case is an interlocutory and not a final decree in the sense of the acts of Congress Whereupon it is now here ordered and decreed that this

Tuesday February 23d 1841. Continued

appeal be and the same is hereby dismissed with Cost and that the cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice — Per Mr Justice Story —

The United States 464	The argument of the cause
42 "	was continued by Mr Baldwin
The Schooner Amistad &c	for the Appellees. —

Proclamation being made the Court is adjourned until to morrow morning at eleven oclock. —

Wednesday February 24th 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate Justices
James M. Wayne
Philip P. Barbour
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Key it is ordered that Josiah F. Polk Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was thereupon accordingly

Wednesday February 24th 1841 Continued.

On motion first made to the Court in this behalf by Mr Peters It is ordered that Josiah Randall Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

The United States appt vs The Schooner Amedad &c.	The argument of this Cause was continued by Mr Adams for the appellees

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock —

Thursday February 25th 1841.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M Wayne	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

The Chief Justice announced to the Bar the sudden death this morning of the Honble Phelps P. Barbour, an Associate Justice of this Court and directed an adjournment of the Court to Monday morning at eleven o'clock. -

Proclamation being made the Court is adjourned until monday morning at eleven o'clock. -

Monday March 1st 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley

Alexander Hunter Esquire Marshal

Appleton Thomas Barnard Clerk

Proclamation being made the court is opened

The Motion first made to the Court in this behalf by Mr. Austin it is ordered that Rachel Hunt. Knight and Joseph F. Adams Esquires of the State of Massachusetts and Francis Brinley Esquire of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally accordingly —

Monday March 1st 1841. Continued

On motion first made to the Court in this behalf by Mr. Gilpin. It is ordered that Livingston Livingston Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On Motion first made to the Court in this behalf by Mr. Blunt. It is ordered that Abner Benedict Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Whipple. It is ordered that Peter Pratt Esquire of the State of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

On motion first made to the Court in this behalf by Mr Pilsbury. It is ordered that Richard H. Chinn Esquire of the State of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Monday March 1st 1841. Continued.

John L. Liberty pffs in Er vs. Jack Bugg ——,	Mr Key of Counsel for the defendant in Error now here moved the Court for leave to submit this Cause on the record and to pray for an affirmance of the judgment of the said District Court in this cause with costs and ten per cent damages. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.

John L. Innis pffs in Er vs. Nathan Smith ——,	Mr Brown of Counsel for the defendant in Error now here moved the Court for leave to submit this Cause on the record and to pray for an affirmance of the judgment of the said District Court in this Cause with costs and ten per cent damages. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises took time to consider.

The United States Apfts vs. The Schooner Amistad &c	The argument of this Cause was Continued by Mr Adams for the apfellees ——

Monday March 1st 1841 Continued

On the opening of the Court this morning, Mr. Gilpin the Attorney General of the United States made the following remarks -

"Since the adjournment caused by the sudden and most afflicting event which deprived this Court and the country of the services of Mr. Justice Barbour, the members of the Bar and the officers of the Court have assembled to express the feelings which the relations with him that it was their pride and happiness to enjoy, could not but make peculiarly poignant. They have requested me respectfully to lay before the Court this the last offering of respect which they are able to pay, and to solicit the favor of having inserted among the records of the Court resolutions whose sincerity must compensate for the feeble manner in which they convey their deep sense of the loss they have sustained. To those whom I now see, in the name of my professional brethren, called upon to address, and who were the daily and more intimate witnesses of the learning, the genius, and the many admirable traits by which Judge Barbour was distinguished, any testimony of mine, to their high qualities would appear very inadequate; but I may be permitted to say that no Judge had ever more completely gained the confidence and respect of those who were called

Monday March 1st 1841. Continued.

upon to appear before him - the decisions of no one were ever listened to with more exclusive than they were the emanations of an enlightened intellect an excellent judgment, the purest intentions and the kindest heart. When to these qualities for which, were added that bland, frank, and unaffected deportment which is fresh in the recollection of most, it is needless to say that the tie that has been severed is felt by us to have been closer than that of mere official intercourse - and we cannot forget that while the chair of the Judge is made vacant a blank too is left in the Circle of our friends.

In compliance with the instructions of the meeting, on whose behalf I appear, I respectfully request that the following proceedings may be entered of record:-

"At a meeting of the members of the Bar of the Supreme Court of the United States and the Officers of the Court, at the Court room in the Capitol on Friday the 26th of February 1841;

The Hon'ble Thomas Clayton was appointed Chairman and the Hon'ble Leia Wright Jr. was appointed Secretary;

The following resolutions were submitted by Genl. Walter Jones and unanimously adopted:-

Resolved, that the members of this Bar and the Officers of this Court have heard with deep regret

Monday March 1st 1841. Continued

of the sudden death of the Honorable Philip P. Barbour, one of the Associate Justices of this Court.—

Resolved, That we entertain the highest veneration for his memory, a grateful admiration of the ability and integrity with which he devoted himself to the performance of his distinguished trust, and a recollection that will long continue of the virtues, the urbanity, and the genius by which his personal character was adorned —

Resolved, That we will attend the removal of his remains this day, and wear the customary badge of (mourning) for the residue of the term. —

Resolved, That Mr Gilpin the Attorney General of the United States communicate these proceedings to the Supreme Court and respectfully request on the part of this (meeting) that they may be inserted among its records —

Resolved, That the Chairman and Secretary also transmit a copy to the family of the deceased, and assure them of our sincere condolence on account of the great loss they have sustained

J. Clayton Chairm
(Silas Wright Jr. Secretary)" —

To which Mr Chief Justice Taney made the following reply

Monday March 1st 1841. Continued

"I speak in the name of the Court, and by its authority when I say that we have scarcely yet recovered from the unexpected blow which has fallen upon us. Our deceased Brother, for many years has been daily with us in the Hall listening to the animated and earnest discussions which the great subjects in Controversy here naturally produce and he has been with us also in the calmer scenes of the Conference room, taking a full share in the deliberations of the Court and always listened to with the most respectful attention. It was from one of these meetings which has been protracted to a late hour of the night that we all last parted from him apparently in his usual health, and in the morning we found that the associate whom we all so greatly esteemed had been called away from us and had passed to another and we trust to a better world. The suddenness of the bereavement, the character of the Judge we have lost, and his worth as a man, made it proper to suspend the business of the Court until to day. The time was necessary not only to pay the honors due to his memory, but to recollect and fit ourselves for renewed labors.

Judge Barbour was a member of this Court but a few years yet he has been long enough here to leave behind him, in the published proceedings of the Court

Monday March 1st 1841. Continued.

Striking proofs of the clearness and vigor of his mind, and of his eminent learning and industry. But those only who have been intimately acquainted with him as members of the same tribunal can fully appreciate the frankness of his character, and the singleness and purity of purpose with which he endeavoured to discharge his arduous duties. By those who have thus known him his memory will always be cherished with the most affectionate remembrance and we will cordially unite with the Bar in the honors they propose to pay to his memory.

The Court therefore order that the resolutions of the Bar be entered on the records of the Court, and the Judges will wear the customary badges of mourning during the residue of the term. —

Order of Court.

Ordered, that the Clerk take charge of the Books of the Court, together with such of the Supplemental Law Books as Congress may direct, to be transferred to the Court and arrange them in the Conference room, which he shall have fitted up in a proper manner, and that he do not permit such books to be taken therefrom by any one except the Judges of the Court. —

Proclamation being made the Court adjourns until tomorrow

Tuesday March 2d 1841

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices.
	James M. Wayne	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Crittenden. It is ordered that John F. Darby Esquire of the State of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Tuesday March 2d 1841 Continued

The United States Appt
vs
Joseph Delespine —

On appeal from the Superior Court for the Southern Judicial District of Florida —

This cause came on to be heard on the transcript of the record from the Superior Court for the Southern Judicial District of Florida and was argued by Counsel — On consideration whereof It is ordered and decreed by this court that the decree of the said Superior Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said Superior Court with directions to dismiss the petition of the Claimants. —

Pr. Mr. Justice Catron. —

The United States of America
vs
The President and Directors of the Bank of the Metropolis

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel — On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause

Tuesday March 2d 1841 Continued.

Philip Minis Jr Appellant	In Error to the Circuit Court
&c. vs	of the United States for the
The United States	District of Georgia.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed.

Jas. M. Mr Kinley

The United States Appellants	In Error to the Circuit Court
&c. vs	of the United States for the
John Fitzgerald & Appellee	Eastern District of Louisiana
Fitzgerald his wife	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this Cause be and the same is hereby affirmed. — Jas. M. Mr Kinley)

43:41

Tuesday March 2.d 1841 Continued.

Charles Gratiot. Jeff.n Ex	In Error to the Circuit
40.	Court of the United States
The United States —	for the District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Missouri. and was argued by Counsel — On Consideration whereof. It is the opinion of this Court that there was error in the said Circuit Court in rejecting the evidence offered by the defendant, Gratiot in support of the claims set forth in the first Bill of Exceptions, and also error in refusing to allow the depositions and documents to be given in evidence. Placed in the third Bill of Exceptions for the purposes for which the same was offered by the said defendant. It is therefore now ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. —

Ch. Mr. Ks. delivered —

Tuesday March 2d 1841 Continued

Martin A. Scott vs. Elis	Mr Key of Counsel for the
21. "vs"	Appellee now here moved
Enoch L. Kelly —	the Court to dismiss this

Appeal because the Decree appealed from is not a final decree within the meaning of the act of Congress. Whereupon this Court not being now here sufficiently advised of and Concerning what order to render in the premises took time to Consider.

Jonas K. Fuller vs. Joseph	Mr Crittenden of Counsel
87. "vs"	for the defendant in Error
Morgan McAfee —	now here moved the Court

to dismiss this writ of Error for the want of jurisdiction. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to Consider. —

The United States Appt	The argument of this Cause
42. "vs"	was concluded by Mr
The Schooner Amistad &c	Attorney General for the

Appellant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Wednesday March 3d 1841.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate Justices
James M Wayne
John Catron
John McKinley
Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.—

On motion first made to the Court in behalf of Mr Whipple. It is ordered that Evan C. Lightfoot and Henry R. Hopkins Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

On motion first made to the Court in Chambers by Mr Evans It is ordered that John L. Kinsman and Elisha H. Allen Esquires of the State of Maine be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly —

The Southern Life Insurance and Trust Company vs. Joseph Hoffman & The Marshal of the Appalachicola District. —

In Error to the Court of Appeals for the Territory of Florida. —

Mr Cope of Counsel for the defendant in Error having filed and read in open Court a certificate of the Clerk of the Court of Appeals for the Territory of Florida in the words & figures following, viz —

"Territory of Florida — I Richard E. Wetherford, Clerk of the Court of Appeals for the Territory of Florida do hereby certify that in the case of the Southern Life Insurance and Trust Company vs The Marshal of the Appalachicola District lately depending in said Court the judgment of the Superior Court of Franklin County was affirmed on the 8th day of February 1840 upon which judgment a writ of error was taken to the Supreme Court of the United States of America which writ with the return thereof was duly served. & I do further certify

Wednesday March 3d 1841. Continued

that about the first of December last a transcript of the record and proceedings together with the writ of Error, Scifa and Bond were forwarded by mail to the Supreme Court of the United States.

In Testimony whereof I have hereunto set my hand and seal of said Court this 1st day of December A.D. 184

Seal

R. G. Wilford Clk"

and having stated that the Plaintiff in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of error. Now here moved the Court in pursuance of the forty third rule of this Court to have this writ of error docketed and dismissed. In Consideration Whereof, It is now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the Territory of Florida be and the same is hereby docketed and dismissed with costs and that this cause be and the same is hereby remanded to the said Court of Appeals for further proceedings to be had thereon in conformity to law under seal of the said writ of Error returnable according.

Test Wm Cl. Sup. Court

Wednesday March 3rd 1841. Continued.

The United States Appellants
vs
John H. Owen Admr of
Louisa F. Owen Admx of
George W. Owen dec'd.

In Error to the Circuit Court
of the United States for the
Southern District of Alabama.

Mr Sargeant of Counsel
for the defendant in Error
having filed and read in open Court a certificate of the
Clerk of the Circuit Court of the United States for the
Southern District of Alabama in the words and figures
following, towit:—

"I David Tate Clerk of the Circuit Court
of the United States for the Ninth Judicial Circuit
and Southern District of Alabama do hereby certify
that heretofore towit on the 2d day of August A.D. 1838 the
United States of America sued out of said Court their writ
of Capias ad respondendum against John H. Owen, admin-
istrator and Louisa F. Owen administratrix of George W.
Owen deceased which writ was received by the Marshal
of said District and on which he made the following return
towit— Received 21st August 1838 and executed 27th August 1838.
Robt. S. Crawford U.S.M. By C. Cuyler D.M.—
That afterwards towit, at the March Term A.D. 1840. of
said Court the said cause came on to be heard and a
verdict was rendered for the defendants— and Whereas after-
wards towit, at the same Term of said Court the said

Wednesday March 3d 1841 Continued

United States by their Attorney filed their Bill of Exceptions and pued out their writ of error to carry said cause to the Supreme Court of the United States upon which writ of error a citation was issued on the 11th day of February A.D 1841 and executed by the Marshal of said District on the 12th day of February 1841 as by the Return of Service.

In Testimony whereof at Office in the City of Mobile I have hereunto set my hand and affixed the seal of said Court this thirteenth day of February in the year of our Lord one thousand eight hundred and forty one.—

Seal

David Files Clk. U.S.D.C. Dist Ala.

And having stated that the Plaintiffs in Error had altogether failed to file the record of said Case in this Court or in any way to prosecute said writ of error. Now here moved the Court in pursuance of the forty third rule of this Court to have this writ of error docketed and dismissed.

On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Circuit Court of the United States for the Southern District of Alabama be and the same is hereby docketed and dismissed, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to Law and justice, the said

Wednesday March 3d 1841. Continued

John L. Delesy pltff in Er vs. Joel Bagg . .	On consideration of the motion made in this cause by Mr. Key of Counsel for the defendant in Error on a prior day of the present term of this Court to wit, on Monday the 1st inst. It is now here ordered by this Court that the said motion be and the same is hereby overruled.
John L. Sims pltff in Er vs. Nathan Smith . .	On consideration of the motion made in this cause by Mr. Brown of Counsel for the defendant in Error on a prior day of the present term of this Court to wit, on Monday the 1st instant. It is now here ordered by this Court that the said motion be and the same is hereby overruled.
The State of Rhode Island &c. Compt vs. The State of Massachusetts.	The argument of this cause was commenced by Mr. Austin for the Respondent.

Wednesday March 3d 1841. Continued

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that S. A. Hackney esther Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Proclamation being made the Court is adjourned until tomorrow morning at ten Oclock.

Thursday March 4th 1841.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M Wayne	
	John Catron	
	John McKinley -	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

The State of Rhode Island vs The State of Massachusetts	The argument of this cause was continued by Mr Randolph for the Complainant. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Mch

Friday March 5 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B Taney Chief Justice

Joseph Story	
Smith Thompson	
John McLean	
The Honble Henry Baldwin	Associate Justices.
James M. Wayne	
Wm Caton &	
John McKinley	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Mason. It is ordered that Mr Whitehill Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday March 5th 1841 Continued

On motion first made to the Court in this behalf by Mr Fales. It is ordered that Ralph Lockwood and R Rowley Esquires of the State of New York be admitted to practise as attorneys and counsellors of this Court and they were severally sworn accordingly.

On motion first made to the Court in this behalf by Mr Southard. It is ordered that Jacob W. Miller Esquire of the State of New Jersey be admitted to practise as an Attorney and counsellor of this court and he was sworn accordingly —

Lepe Hoyt. pltff in Er vs Silvanus Hadden, James Jeffords & William A. Hadden.	In Error to the Circuit Court of the United States for the Southern District of New York —

The parties in this cause having filed their consent in writing that this writ of Error shall be dismissed. It is thereupon now here ordered and adjudged by this court that this writ of Error be and the same is hereby dismissed with costs. and that this cause be and the same is hereby remanded to the Circuit Court of the United States for the Southern District of New York that such proceedings may be had therein as to Law and justice may appertain. —

Friday March 5th 1841 Continued.

Merit Martin - pff in Er 12 vs Lessee of Wm C. H. Waddell	Mr Southard of Counsel for the Defendant in Error moved the Court to Continue this Cause till the next Term of this Court and for leave to re-argue the same On Consideration whereof It is now here ordered by this Court that this Cause be and the same is hereby Continued to the next Term of this Court then to be re-argued in full in its order on the Calendar. —
The State of Rhode Island 1. vs Compt The State of Massachusetts —	The argument of this Cause was continued by Mess Randolph and Whipple for the Complainant —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Saturday March 6th 1841.

Pursuant to adjournment the Court met this morning at the Capital -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

On motion first made to the Court in behalf by Mr Sergeant. It was ordered that John L. Taylor Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Saturday March 6th 1841 Continued

On motion first made to the Court in this behalf by Mr Whipple. It is ordered that Wm Penn Briggs and Henry Leavenworth Esquires of the State of Vermont and Alexander McConnell Esquire of the State of Ohio be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

On motion first made to the Court in this behalf by Mr Key. It is ordered that Hiram Barney Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Moses Groves Val- pff in Er	Mr Walker of Counsel for
vs.	the Plaintiff in Error in
Robert Slaughter ——	this cause now here moved

the Court to Continue this cause to the next Term of this Court with leave to argue the same— Whereupon this Court not being now sufficiently advised of and concerning what rule to make in the premises took time to consider.—

Saturday March 6th 1841 Continued.

Mess Grace vel. &c Pltffs &c
vs.
Robert Slaughter &al

Mr Walker of Counsel for the Plaintiffs in Error now here moved the Court to Continue this cause to the next Term of this Court with leave to argue the same. Whereupon this Court not being now here sufficiently advised of and concerning what rules to render in the premises doth time to consider —

Jesse R. Fuller vel. &c Pltff in Er
vs
Morgan McAfee

The motion made by Mr Cullenden on a prior day of the present term of this Court to wit on Tuesday the 2d instant was now here argued by him in support of the same and by Mr Cope of Counsel for the Plaintiff in Error against the same —

Marlin A. Lea vel. &c Pltff
vs
Enoch F Kelly

The motion made by Mr King on a prior day of the present term of this Court, to wit on Tuesday the 2d instant was now here argued by him in support of the same —

Saturday March 6th 1841. Continued.

William M. Gwinn, Marshal of the Southern District of Mississippi — Plff in Er.

vs.

James W. Bradlove — Deft in Er.

In Error to the Circuit Court of the United States for the Southern District of Mississippi. —

Mr Walker of Counsel for the Plaintiff in Error having stated to the Court that he had a transcript of the record of the above entitled cause duly authenticated and that he was ready to file the same and to docket the cause under the rules of Court now here moved the Court to set aside and annul the judgment of this Court docketing and dismissing this writ of error ordered and pronounced on a prior day of the present Term of this Court to wit Tuesday the 9th day of February past and also to recall the mandate of this Court issued and addressed to the Judges of the said Circuit Court in this cause, and which was opposed by Mr Key of Counsel for the defendant in Error. Due consideration whereof and of the arguments of Counsel thereupon had as well against as in support of said motion. It is now here ordered and adjudged by this Court that the judgment of this Court docketing and dismissing with costs the writ of error in the above entitled cause on Tuesday the 9th day of February last of the present Term of this Court be and the same is hereby declared utterly null and void and that the mandate of this Court directed to the Judges of the said Circuit

Saturday March 6th 1841 Continued.

Court in this cause be and the same is hereby revoked, and it is also now here further ordered that the Clerk of this Court do forthwith send to the Judge of the Circuit Court of the United States for the Southern District of Mississippi a copy of this order of court under the seal of this Court —

Proclamation being made the Court is adjourned until monday morning at eleven O'clock.

Monday March 8th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Special Justices.
James M. Wayne
John Catron
John McKinley

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster. It is ordered that James F. Conover Esquire of the State of Ohio be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Monday March 8th 1841 Continued.

On motion first made to the Court in this behalf by Mr Whipple. It is ordered that William Greene Esquire of the State of Ohio be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly —

The State of Rhode Island — Complt vs The State of Massachusetts	The argument of this cause was concluded by Mr Webster for the Respondent —
Moses Groves Adm — Plff in Er vs Robert Slaughter —	On consideration of the motion made in this cause on Saturday last by Mr Walker of Counsel of Counsel for the Plaintiffs in Error. It is now here ordered by the Court that said motion be and the same is hereby overruled.
Moses Groves Adm — Plff in Er vs Robert Slaughter —	On consideration of the motion made in this cause on Saturday last by Mr Walker of Counsel for the Plaintiffs in Error. It is now here ordered by the Court that said motion be and the same is hereby overruled.

Proclamation being made the Court is adjourned until

Tuesday March 9th 1841.

Pursuant to adjournment this Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice.

Joseph Story
Smith Thompson
John McLean
The Honble Henry Baldwin Associate Justices.
James M. Wayne
John Catron
John McKinley.

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Adams. It is ordered that Charles K. Williams of the State of Vermont be admitted to practice as an Attorney and Counsellor of this Court and he took seven accordingly.

Tuesday March 9th 1841 Continued.

The United States Appt
vs
The Libellants & Claimants of the Schooner Amistad her tackle apparel and furniture together with her Cargo and the Africans mentioned & described in the several Libels and claims.

On appeal from the Circuit Court of the United States for the District of Connecticut.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Connecticut and was argued by Counsel. On Consideration Whereof It is the opinion of this Court that there is error in that part of the decree of the Circuit Court affirming the decree of the District Court which ordered the said negroes to be delivered to the President of the United States to be transported to Africa in pursuance of the act of Congress of the 3d of March 1819, and that as to that part it ought to be reversed, and in all other respects that the said decree of the Circuit Court ought to be affirmed. It is therefore ordered adjudged and decreed by this Court that the decree of the said Circuit Court be and the same is hereby affirmed except as to the part aforesaid and as to that part that it be reversed, and that the cause be remanded to the Circuit Court with directions to enter in lieu of that part a decree that the said Negroes, be and are hereby declared to be free and that they be discharged

from the Custody of the Court and be discharged from the suit and go thereof quit without day —

Jos. Mr. Hon. Story —

Proclamation being made the Court is adjourned until tomorrow Morning at eleven o'Clock —

Wednesday March 10th 1841.

(Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The State of Rhode Island &
Providence Plantations Complt
vs
The Commonwealth of Massachusetts

In Equity.—

This cause came on to be heard on the amended bill and demurrer, and was argued by Counsel. On consideration whereof it is now here ordered by the Court that the said demurrer be and the same is hereby overruled; and it is also

Wednesday March 10th 1841 Continued

now further Ordered by this Court that the defendant answer the Bill of Complaint as amended on or before the first day of August next. —

J. K. Mr Ch. Ks. Farney. —

Marlin A. Lea, Monroe Robertello and Charles C. Langdon — appts	vs	On appeal from the Circuit Court of the United States for the Southern District of Alabama —
21. Enoch F. Kelly —		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration whereof it is the opinion of this Court that the decree in this case was an interlocutory and not a final decree in the sense of the act of Congress. Whereupon it is now here ordered and decreed that this appeal be and the same is hereby dismissed with costs and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice. —

J. K. Mr Ch. Ks. Farney —

Moses Groves & James Graham	In Error to the Circuit
35 vs	Court of the United
Robert Slaughter	States for the Eastern
	District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel - On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of six per centum per annum.

Opr Mr Justice Thompson -

Moses Groves & James Graham	In Error to the Circuit
35 vs	Court of the United
Robert Slaughter	States for the Eastern
	District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damage at the rate of six per centum per annum -

1420.

Wednesday March 10th 1841 Continued

James K Fulton vs.	It is now here ordered by
Sg. " Griffin &	this Court that this cause
Morgan McAfee	be and the same is hereby
	held under advisement until
	the next term of this Court.

Order of Court

There having been an Associate Justice of this Court appointed during the present term. It is ordered that the following allotment be made of the Chief Justice and the Associate Justices of said Court among the Circuits agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz:—

For the first Circuit The Honorable Joseph Story
For the Second Circuit The Honorable Smith Thompson
For the Third Circuit The Honorable Henry Baldwin
For the fourth Circuit The Honble Roger B. Taney Chief Justice
For the fifth Circuit The Honorable Peter V. Daniel
For the Sixth Circuit The Honorable James M. Wayne
For the Seventh Circuit The Honorable John McLean
For the Eighth Circuit The Honorable John Catron
For the Ninth Circuit The Honorable John McKinley

It is now here ordered by the Court that all the cases on the docket not disposed, and all the other business of the term not disposed of by the Court be and the same are hereby continued over to the next term of this Court. —

Proclamation being made the Court is adjourned to the time and place appointed by law. —

January Term 1842.

At the Capitol of the United States in the City of Washington and District of Columbia, being the present seat of the National Government of the United States on the second Monday of January (being the tenth day of the same month) in the year of our Lord one thousand eighthundred and forty two, and of the Independence of the United States the Sixty fifth, the Supreme Court of the United States met agreeably to law.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire, Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Monday January 10th 1842.

The Honorable Peter V. Daniel, produced Letters Patent from the President of the United States dated the 3d day of March in the Year of our Lord one thousand eight hundred and forty one and of the Independence of the United States the sixty fifth, appointing him an Associate Justice of the Supreme Court of the United States in the following words, viz.—

"Martin Van Buren

President of the United States of America

To all who shall see these presents Greeting.

Know Ye: That reposing special trust and confidence in the wisdom, uprightness, and learning, of Peter V. Daniel of Virginia, I have nominated, and, by and with the advice and consent of the Senate, do appoint him one of the Associate Justices of the Supreme Court of the United States and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States and to have and to hold the said office, with all the powers, privileges and emoluments thereunto of right appertaining, unto him the said Peter V. Daniel, during his good behaviour.—

In Testimony Whereof, I have caused

Monday January 11th 1842. Continued

these Letters to be made Patent and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington, the third day of March in the year of our Lord one thousand eight hundred and forty one, and of the Independence of the United States of America the Sixty fifth A.D.

M. Van Buren

By the President.

John Forsyth, Secretary of State."

Which were read in open Court and he took his seat accordingly.—

Mr Chief Justice Taney announced to the Bar that the Court would tomorrow commence the Call of the Docket pursuant the 35th rule.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Tuesday January 11th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice.

	Joseph Story	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire, Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Wright. It is ordered that C. Winchroff Esquire of the State of Louisiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

Tuesday January 11th 1842. Continued

Thomas Hammond & al vs 1. vs Appt George Washington Exr	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.

Exrs of John Holker dec vs 2. vs Appt William Lemon & al	This cause having been called for argument and no counsel appearing. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.

William G. Cook & al vs 3. vs John D. Moffat & al	This cause having been called for argument and no counsel appearing It is now here ordered by this Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

Tuesday January 11th 1842. Continued

Richard L. Watkins
vs.
Oliver Holman val

The argument of this cause was commenced by Mr Ogden for the Plaintiff in Error and continued by Mr Crittenden for the defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 12th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Peters — It is ordered that Nathaniel Boyden Esquire of the State of North Carolina be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Wednesday January 12th 1842. Continued

On motion first made to the Court in this behalf by Mr Ogden. It is ordered that Samuel Gouden Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly —

On motion first made to the Court in this behalf by Mr Key. It is ordered that John Van Buren Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Richard L. Wyatkins. vs. The Phoenix Oliver Coleman et al	The argument of this Cause was continued by Mr Key for the defendants in Error and by Mr Legaré for the plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Thursday January 13th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
John McLean
The Honble Henry Baldwin Associate
James M. Wayne Justices.
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Crittenden. It is ordered that J. B Thompson Esquire of the State of Kentucky and R. W. Thompson Esquire of the State of Indiana be admitted to practise as Attorneys and Counsellors of this Court, and they were severally sworn accordingly.

Thursday January 13th 1842. Continued

Richard T. Watkins — 4 " Tiffin & Oliver Holman Val	The argument of this cause was concluded by Mr Logan for the plaintiff in Error. —
Gustavus Beal Val — 5. " Tiffin in Er Lessee of Oliver Holman Val	The argument of this cause was commenced by Mr Ogden for the plaintiffs in Error, continued by Messrs Crittenden & Key for the defendant in Error and concluded by Mr Ogden for the plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock. —

Friday January 14th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened

Merit Martin vs Lessee &c	the argument of this
&	Cause was commenced
Lessee of Wm C H Waddell	by Mr Mall for the
	Plaintiffs in Error.

Friday January 11th 1842. Continued.

Joseph Trust &c.	This cause was submitted
vs.	to the Consideration of the
Geo. W. Tyson.	Court on printed argument
	by Mr. Pependen of Counsel

for the plaintiff and by Mr. Dana in behalf of the Defendant.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Saturday January 15th 1842.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin — Associate
James M. Wayne — Justices—
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.

Merit Martin vs Jeffries &	The argument of this
al. vs	cause was commenced
Lessee of McClellan	by Mr Wall for the
	Plaintiffs in Error

and by Mr Wright for the defendant in Error—

Proclamation being made the Court is adjourned until Monday morning at eleven O'clock—

Monday January 17th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in the behalf by Mr Southard. It was ordered that William P. Duvall Esqr of the Territory of Florida be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Monday January 17th 1842 Continued

Merit Martin ~~Appellant~~ Plaintiff in Error vs Lessee of Wm Cathcart	The argument of this cause was continued by Mr Wright for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

1438

Tuesday January 18th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Peters. It was ordered that Jacob M. Howard Esquire of the State of Michigan be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Tuesday January 18th 1842. Continued

On motion first made to the Court in behalf by Mr Sergeant. It is ordered that Alexander H H Stuart Esquire of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

Merit Martin vs Joseph Mc	The argument of this
& Mc	Cause was continued
Heirs of Wm C H Waddell	by Mr Ogden for the
	Defendant in Error

and by Mr Ward for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock —

Wednesday January 17th 1849.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened.

Merit Martin vs Heffner &	The argument of this cause
6. "	was concluded by Mr
Heffner & Wife	Wood for the Plaintiff in Error.

Benjamin Long —	The argument of this cause
v. "	was commenced by Mr Cope
Gunder Smith, surviving partner of	for the plaintiff in Error,
the late firm of Palmer Smith & Co.	Continued by Mr Anderson

Wednesday January 19th 1842. Continued

for the defendant in Error are concluded by Mr Love for the plaintiff in Error. —

Sally, alias Sally Langa & Richard L. Rowland et al	Mr Love of Counsel for the plaintiff in Error now here moved the Court to Continue this Cause to the next Term of this Court, to which Mr Key of Counsel for the defendants in Error prays. Whereupon it is now here ordered by the Court that this Cause be and the same is hereby Continued to the next Term of this Court. —

Swayam & Boyd & Ephraim G. Peyton	This Cause having been called for argument and no Counsel appearing. It is thereupon now here ordered by this Court that this Cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. —

Proclamation being made the Court is adjourned until tomorrow morning at ten o'clock. —

1842.

Thursday January 20th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire, Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that Thomas Bradford Esquire and Christopher Fallon Esquire of the State of Pennsylvania be admitted to practise as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Thursday January 20th 1842 Continued.

Stephen Cocke for the use &c 10. vs. Jeffries Joseph A. Halsey &c.	This Cause was submitted to the Consideration of the Court on the transcript of the record and on a printed argument by Mr Cocke, on behalf of the Plaintiff in Error and was argued by Mr Key of Counsel for the defendants in Error —

Silas Niswanger appt. 11. vs. Lewis Smith —	The argument of this Cause was Commenced by Mr Key of Counsel for the appellant,

Continued by Mr Coxe of Counsel for the appellee and Concluded by Mr Key for the appellant.

Joseph W. Walsh adm[r] of William Porter, dec[d] — 12. vs. Jeffries The United States —	On motion of the Attorney General on behalf of the defendants in Error. It is ordered by the Court that this Cause be and the same is hereby postponed to the foot of the docket. —

Thursday January 21st 1842. Continued.

Alexander McNutt. Governor 13. " Richard I. Bland Val	On motion of Mr Walker of Counsel for the defendant in Error and with the assent of Mr Southard of Counsel for the Plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket.
The United States. Appt 14. " Pedro Miranda Val	The argument of this cause was commenced by Mr Duvall for the appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'Clock.

Friday January 21st 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqure Marshal
William Thomas Carroll, Clerk —

Proclamation being made the Court was opened.

On motion first made to the Court in this behalf by Mr Wood. It was ordered that Francis Griffin Esqure of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday January 21st 1842. Continued.

The United States appt vs Pedro Miranda & al	The argument of this cause was continued by Mr Attorney General for the appellant, by Mr Ogden for the appellees, and concluded by Mr Duval for the appellants.
The United States appt vs John W. Fowle	The argument of this cause was commenced by Mr Attorney General for the appellant.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.—

Saturday January 22nd 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices.
John Catron
John McKinley
Peter V. Daniel.

Alexander Hunter, Esqre. Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

The United States appt
vs.
John M. Low et al

The argument of this Cause was Continued by Mr Attorney General of Counsel for the appellant by Messrs Berrien & Wilde of Counsel for the appellees and Concluded by Mr Attorney General for the appellant.—

Saturday January 22d 1842. Continued.

The United States appt vs Thos Breward	This cause was argued by Mr Attorney General of Counsel for the appellant, and by Mr Wilde of Counsel for the appellee.
Hyde & Clews val. &c plffs in Er vs Borrain & Co	The argument of this cause was commenced by Mr Hunter of Counsel for the plaintiffs in Error.

Proclamation being made the Court is adjourned until Monday Morning at eleven Oclock.

Monday January 24th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate Justices
James M. Wayne
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire, Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

Hyde & Gleaves vs. Tiffin & Co.	The argument of this
Ly.	cause was continued
Bonaem & Co.	by Mr Coxe of Counsel
	for the Defendants in

Error and concluded by Mr Key of Counsel for the Plaintiffs in Error.—

Monday January 24th 1842. Continued.

The United States. appt 16. vs Geo. I. F. Clarke & others	This cause was argued by Mr. Attorney General of Counsel for the appellant.
The United States. appt 20. vs John M. Gaw & wife	This cause was argued by Mr. Attorney General of Counsel for the appellant.
Hugh L. Neary & wife. pltffs in Er. 21. vs The Farmers & Merchants Bank of Memphis	The argument of this cause was commenced by Mr. Henderson of Counsel for the plaintiff in Error, continued by Mr. Jones of Counsel for the defendant in Error, and concluded by Mr. Henderson for the plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 25th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley
Peter V. Daniel

Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion just made to the Court in this behalf by Mr Crittenden. It is ordered that James L. Smith Esquire of the District of Columbia be admitted to practise as an attorney and counsellor of this Court and he was duly accordingly

Tuesday January 25th 1842 Continued

Joseph Swift. pltff
&
Gouy W. Tyson

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On Consideration whereof, It is the opinion of this Court. that the defendant was not, under the facts stated, entitled to the same defence to the action as if the suit was between the original parties to the bill. that is to say, the said Norton & the said Norton & Keith and the defendant, and that the evidence offered in defence and objected to was not admissible as against the plaintiff in this action. Whereupon it is now here ordered and adjudged by this Court that an answer in the negative be certified to the said Circuit Court.— Ste. Mr. Justice Story

Tuesday January 25th 1842 Continued

John Gadsden Pltff in Er. 22. " " James Tongat —	This cause was argued by Mr. Crittenden of Counsel for the Plaintiff in Error.
John Tompkins Surv Genl &c 23. " " Appt Edward M'Huber &al	This cause was submitted to the Consideration of the Court on the transcript of the record and on printed arguments by Mr Ogden of Counsel for the appellants and by Mr Crittenden of Counsel for the appellees.
James S. Brander &al 24. " " Pltffs in Er William E. Phillips &al	The argument of this cause was commenced by Mr Gilpin of Counsel for the Plaintiffs in Error, continued by Mr Crittenden of Counsel for the defendants in Error and Concluded by Mr Gilpin for the Plaintiffs in Error.

Proclamation being made the Court was adjourned until tomorrow morning at eleven Oclock. —

Wednesday January 25th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court was opened.

On motion first made to the Court in this behalf by Mr Key. It was ordered that Charles Trevitter Esquire of the State of Ohio be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday January 25th 1842. Continued.

John R. Randolph Error 25. vs Plff in Er Israel Barrett & Anr Defts	This cause was argued by Mr Henderson of Counsel for the plaintiff in error.
The Mayor &c of Mobile 26. vs Plff in Er Miguel L. Eslava	The argument of this cause was commenced by Mr Lost of Counsel for the plaintiffs in Error, and continued by Mr Johnson of Counsel for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Thursday January 27th 1842

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
H. Baldwin — Henry Baldwin — Associate
James M. Wayne — Justices —
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened —

On motion just made to the Court in this behalf by Mr Ingersoll — It is ordered that Benjamin B. French Esqure of the State of New Hampshire be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Thursday January 27th 1842. Continued

The Mayor &c of Mobile vs. In Error Miguel A Estava	The argument of the cause was continued by Messrs Johns & Sergeant of counsel for the defendant in Error —

Proclamation being made the Court is adjourned until tomorrow morning at seven o'clock —

Friday January 28th 1842.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices—
	John Catron	
	John McKinley	
	Peter V. Daniel—	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk—

Proclamation being made the Court is opened

The Mayor &c of Mobile—	The argument of this Cause
25. vs Plaintiffs	was continued by Mr Sargent
Miguel L. Eslava	of Counsel for the defendant
	in Error and by Mr Hunt for
	the plaintiffs in Error—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock—

Saturday January 29th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Charles Pattison. appt
vs
Edmund P. Gaines & wife

Mr Hennen having filed and read in open Court the following motion in writing, viz.

"Caroline Barnes & others, defts to the Bill of Complaint filed in this case, & parties to the record now here, move the Court to dismiss the appeal which has obtained in this cause. For reasons

Saturday January 29th 1842 Continued

1st That the record is brought here on the separate appeal of one of about sixty joint defendants to the Bill without any order of severance authorising a separate appeal —

2d Because the decree of the Court below which is appealed from was not final as the matter put in litigation, and the important interest of the parties defts. & which defendants, were resident within the jurisdiction of the Court had been summoned and entered their appearance accordingly. —

3d Because the appeal was taken by one party deft from a separate decree made as to said defendant, when the cause was at hearing with other defendants, as to whom no decree was made and the issue remains undecided.

4. Because the Bill of Complaint was and is for a joint matter of interest, as to numerous defts. made parties to the Bill & who had been summoned, appeared and made defence: & the appearance & defence of all whom except the appellant upon the record was disregarded, and the cause proceeded to a decree as to one of the defendants only. now the appellant in this Court.

John J Crittenden

Jany 29th 1842. — Sol. for the motion."

Saturday January 29th 1842 Continued.

now here moved the Court to set down said motion for argument on Saturday next the fifth day of February, to which Mr R. S. Brent of Counsel for the appellant in this cause objected, whereupon it is now here considered and ordered by this Court that the said motion be and the same is hereby set down for argument on Saturday next.

The Mayor &c of Mobile 26 vs Miguel E. Eslava.	The argument of this cause was concluded by Mr Isett of Counsel for the Plaintiffs in Error.
William H. Frost pltff in 27 vs Rich Gibson def't.	The argument of this cause was commenced by Mr R. S. Brent for the Plaintiff in Error, continued by Mr Bradley for the defendants in Error and concluded by Mr Brent for the Plaintiff in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven O'clock.—

Monday January 31st 1842.

Pursuant to adjournment the Court met this morning at the Capital—

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Court	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Benton. It is ordered that Lewis V. Bogy Esquire of the State of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly—

On motion first made to the Court in this behalf by Mr Coe. It is ordered that Walter Jones Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly—

Monday January 31st 1842. Continued

Richard F. Walkins —
vs
Oliver Holman, & Agnes Howard an Infant under the age of twenty one years, by her Guardian & next friend Adonis Howard. —

In Error to the Circuit Court of the United States for the Southern District of Alabama. —

This Cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel on Consideration Whereof, It is now here Considered ordered and adjudged by this Court that the judgment of the said Circuit Court in this Cause be and the same is hereby reversed with Costs, and that this Cause be and the same is hereby remanded to the said Circuit Court with directions for further proceedings to be had therein according to law and justice and in Conformity to the opinion of this Court. —

Js. M. Jno. M. Lean. —

Gustavus Beall & Henry Myers
vs
John Lee Lessee of Oliver Holman & Agnes Howard an Infant under the age of twenty one years by her Guardian & next friend Adonis Howard

In Error to the Circuit Court of the United States for the Southern District of Alabama. —

This Cause came on to be heard on the

Monday January 31st 1842. Continued.

from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions for further proceedings to be had therein according to law and justice, and in conformity to the opinion of this Court. —

Jos. M. Mc Lean. —

Charles Kilbey &c. - appts vs. Alfred M. Hobby &c.	The argument of this Cause was commenced by Mr. Cope of Counsel for the appellant.

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 1st 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B Taney Chief Justice

	John M'Lean	
	Henry Baldwin	
The Honble	James M Wayne	Associate Justices
	John Catron	
	John M'Kinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Charles Kelsey val appt		The argument of this
28.	vs	cause was continued
Alfred M. Hobby val		by Mr Coxe of Counsel
		for the appellants.

and by Mr Legare of Counsel for the appellees

Proclamation being made the Court is adjourned until to-morrow morning at eleven O'clock.

Wednesday February 2d 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Ewing. It is ordered that Hocking H. Hunter Esquire of the State of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday February 2d 1842. Continued.

Stephen Cocke, for the use of the Commonwealth Bank of Columbus, Mississippi — Pl. in Error

vs.

Joseph A. Halsey, John Iller, Charles M. Ring & William S. Iller — Defts in Error

} On Error to the Circuit Court of the United States for the Southern District of Mississippi —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions for further proceedings to be had therein in conformity to the opinion and according to law and justice —

Js. M. Ihs. Daniel.—

Wednesday February 2d 1842 Continued

Hugh McKay, Patrick K. Kenny, & Charles A. Lacoste 21. The President, Directors & Company of the Farmers and Merchants Bank of Memphis.	In Error to the Circuit Court of the United States for the Southern District of Mississippi

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to enter judgment for the defendants in Conformity to the opinion of this Court. —

Jr. M. Chs. Story. —

Charles Kelsey Val. appt. 28. vs Alfred M. Hobby Val	The argument of this cause was continued by Mr Segar of Counsel for the appellee & by Mr Ward of Counsel for the appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Thursday February 3d 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Wright It is ordered that Samuel P. Benne Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday February 3d 1842. Continued.

Charles Kelsey vs appts.	The argument of this cause
28. "	was concluded by McWood
Myra M. Hobby vs	of Counsel for the appellants.

Smith Harpending vs	The argument of this cause
29. " appts.	was commenced by Saml
The Ministers &c of the Dutch	Cutler of Counsel for the
Church of the City of New York	appellants. —

(Proclamation being made. the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 4th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter, Esquire, Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Chas Johnson. It is ordered that Thomas C. Hambly Esquire of the State of Pennsylvania be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly.

Friday February 4th 1842 Continued.

Smith & Carpenter vs. } 29 Ten Eyck Appts The Ministers &c of the Dutch Church of the City of New York. —	The argument of this Cause was Continued by Messrs Ford & Wood of Counsel for the Appellees. —

Proclamation being made the Court is adjourned until to morrow morning at eleven Oclock. —

Saturday February 5th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices.
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

James F. Brander & Hugh S. McKenna. Plff in Er
vs
William E. Phillips & Henry Bell, under the firm of William E. Phillips & Co Robert Carlon and Nathaniel Perry. ——

In Error to the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court

Saturday February 5th 1842 Continued

of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration Whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.—

P. V. Mr. Jus. McLean.—

Benjamin Long. Pff in Er.	In Error to the Circuit
v.	Court of the United
Gurdon S. Smith, Surviving	States for the Southern
Partner of the late firm of	District of Mississippi
Palmer Smith & Co.—	This cause came on

to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On Consideration Whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of Six per centum per annum.—

P. Mr. Js. Thompson.—

Saturday February 5th 1842. Continued

Thomas Wood for Use — 35. vs Pfffs in Error The United States.	On Consideration of the motion of Mr Attorney General of Counsel for the defendant in Error, it is Ordered that this Cause be set down for argument on Monday the 15th instant at which Mess Meredith and Crittenden on behalf of the Plaintiffs in Error appeared, & it is now here ordered by this Court that the said motion be and the same is hereby overruled.
Daniel Dobbins. Pffs in Er 38. vs The Commissioners of Erie County.	Mr Penrose of Counsel for the defendants in Error, now here moved the Court to dismiss this writ of Error for the want of jurisdiction, to which Mr Peters of Counsel for the Plaintiffs in Error objected. Whereupon this Court not being now fully advised of and concerning what order to make in the premises took time to consider
Charles Patterson Appt 44. vs Edmund P. Gaines & Wife	The motion of Mr Hanson on the dismiss this appeal was argued by Mess Hanson & Hope in support thereof, & opposed by Mess R. J. Brent & Key.

Proclamation being made the Court is adjourned until

Monday February 7th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Charles Patterson appt	The argument of the motion
to	to dismiss the appeal
vs	in this case was con-
Edmund P. Gaines & wife	cluded by Mr Cope in
	support of the same.

Monday February 7th 1842. Continued.

Smith Carpenter vs.	The argument of this
29. vs. Appts.	Cause was Continued
The Ministers of the Dutch	by Mr Wood for the
Church of the City of New York	appellees and by Mr Cox.
	for the appellants. —

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock.

Tuesday February 8th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esqre Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened —

On motion first made to the Court in this behalf by Mr Southard. It is ordered that James B. Bowlin Esqre of the State of Missouri be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly. —

Tuesday February 8th 1842. Continued.

On motion first made to the Court in this behalf by Mr Peters It is ordered that Christopher Magan Esquire of the State of New York be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly. —

Isaac Cooper. pltff in Er. vs. John Mathews —	It is now here ordered by this Court that the transcript of the record in this case be returned to the Clerk of the Circuit Court of the United States for the Eastern District of Pennsylvania in order that the same may be amended as requested by his letter of the 5th instant addressed to the Clerk of this Court. —
Smith Harper & ux Vol. vs. The Members of the Baptist Church of the City of New York.	The argument of this cause was concluded by Mr Cope of Counsel for the appellants. —
Edward Prigg. pltff in Er. vs. The Commonwealth of Penna.	The argument of this cause was commenced by Mr Meredith of Counsel for the plaintiff in Error. —

Proclamation being made the Court is adjourned until

Wednesday February 9th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

Hyde & Gleims vs. Hs. Lockett & Boorman & Co.	In Error to the Circuit Court of the United States for the Eastern District of Louisiana.

The cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration Whereof,

Wednesday February 9th 1842. Continued

It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to dismiss the suit in that Court with costs for the original defendants. —

Jos. Mr. Jno. Story. —

Mord Marten, Mahan Webb. Smith Marlin, Mahan Bloodgood. Solomon Rue, Joseph W. Ricklefs and Laurence Kearney. Appellees

6.

John Lee Pepper of William & H. Waddell. —

In Error to the Circuit Court of the United States for the District of New Jersey.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of New Jersey and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby to the said Circuit Court with directions to proceed therein according to law

Wednesday February 9th 1842. Continued

and justice and in Conformity to the opinion of this Court — P: Mr Ch. hs. Taney Justices Thompson & Baldwin dissenting.—

Edward Prigg-Plff in Er 31. The Commonwealth of Penn:	The argument of this cause was Continued by Mr Merrick of Counsel for the Plaintiff in Error and by Mr Jno Hambly and C. Johnson of Counsel for the defendant in Error.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Thursday February 11th 1842

(pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire Marshal,
William Thomas Carroll Clerk -

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proclamation being made the Court is opened. -

Manufacl. Knight Special
Agent of the Commonwealth
Insurance Company of Boston
30. vs. Appts
The Brig Alida — Hall, master,
Charles B. Fisher, Samuel B.
Thompson & Benja H. Skinner. -

On appeal from the Circuit
Court of the United States
for the Eastern District of
Pennsylvania. -

It having been suggested
to the Court by Mr J. R. Ingersoll
of Counsel for the appellant
that the matters and things

Thursday February 11th 1841 Continued

no controversy in this case had been settled and agreed upon between the parties. It is thereupon now here ordered, adjudged and decreed by this Court that this appeal be and the same is hereby dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court that such proceedings may be had therein as to law and justice may appertain. —

Jr. W. Ch. Jus. Taney. —

The United States. appt vs. John Bivard —	On appeal from the Superior Court for the District of East Florida. —

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Superior Court in this cause, so far as it declares the claim of the petitioner to be valid, be and the same is hereby affirmed, and also that the said decree be and the same is hereby affirmed so far as it confirms the three surveys of 7000 acres dated the 27th May 1817. of 2000 acres dated 10th October 1817. and

Thursday February 16th 1843. Continued.

and of 4000 acres dated 17th April 1820. but that the said decree so far as it confirms the survey of 3000 acres dated 28th August 1819 be and the same is hereby reversed, and as it respects this last that a survey be made for the number of acres and at the place or places designated in the opinion of this Court, so that it does not interfere with the rights of third parties. And it is further ordered by the Court, that a mandate be issued to the Surveyor of public lands directing him to do and cause to be done, all the acts and things enjoined on him by law, and as required by the decree and opinion of this Court in this case; and that this case be and the same is hereby remanded to the said Superior Court for further proceedings to be had therein in conformity to this decree, and the opinion of this Court, which must be annexed to the mandate. — Js. Mr. Jas. Catron. —

The United States. Appt
20.
To
John M. Hanson, Wm. D. Hedrick, Bernardo Segui, and Dominga Segui his wife —

On appeal from the Superior Court for the District of East Florida. —

This cause came on to be heard on the

Thursday February 10th 1842. Continued

transcript of the record from the Superior Court for the District of East Florida, and now argued by Counsel. On Consideration whereof It is now here ordered, adjudged and decreed by this Court that the decree of the said Superior Court in this cause, so far as it declares the claim of the petitioner to be valid, be and the same is hereby affirmed, but that the said decree so far as it confirms the Survey made by Lieut Robert M.c Hardy dated the 7th May 1815 be and the same is hereby reversed; and that a Survey be made of the lands contained in the said Concession, according to the terms thereof, for the number of acres, and at the places therein designated, so that it does not interfere with the rights of third parties. And it is further ordered by the Court that a mandate be issued to the Surveyor of Public Lands directing him to do and cause to be done, all the acts and things enjoined on him by law, and as required by the decree and opinion of this Court in this case; and that this cause be and the same is hereby remanded to the said Superior Court for further proceedings to be had therein in conformity to this decree, and the opinion of this Court, which must be annexed to the Mandate. — J. M.c Kinley Catron. —

Thursday February 16th 1843 Continued.

The United States appt
15.
John W. Darrothers, heir and legal Representative of John Law deceased —

On appeal from the Superior Court for the District of East Florida —

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On Consideration whereof. It is now here ordered, adjudged and decreed by this Court that the decree of the said Superior Court in this cause be and the same is hereby affirmed in all respects. —

Jos. M. Mc Lean.

The United States appts
16.
The heirs of Geo. J. Clarke, dec'd and the heirs of Geo. Atkinson dec'd

On appeal from the Superior Court for the District of East Florida

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On consideration Whereof. It is now here ordered adjudged and decreed by this Court that the decree of the said Superior Court in this cause be and

Thursday February 11th 1842. Continued.

Edward Prigg Plff in Error
vs
The Commonwealth of Penna

The argument of the cause was continued by Mr Johnson for the defendant in Error, and concluded by Mr Nelson for the Plaintiff in Error.

(Proclamation being) made the Court was adjourned until tomorrow morning at eleven oclock.—

Friday February 11th 1842

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened.

Matthew Kobson appt.	The argument of this
32. vs	Cause was commenced
the heirs of Duncan McArthur & al	by Mr Stanbery for
	the appellant and

continued by Mr Mason for the appellees, and concluded by Mr Stanbery for the appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday February 12th 1842.

On motion first made to the Court in this behalf by Mr Peters It is ordered that Theo. C. Chillenden and Seth M. Gates Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

On motion first made to the Court in this behalf by Mr Test. It is ordered that John Pettit Esquire of the State of Indiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Isaac T. Bowman use. appt
vs
Athanasius Mathew use

Mr Test of Counsel for the Appellants, now here moved the Court to continue this cause to the next term of this Court. On consideration whereof, it is now here ordered by the Court that said motion be and the same is hereby overruled.

The Mayor &c of Mobile
vs
Joshua Kennedys Exrs

Mr Test of Counsel for the Plaintiffs in Error now here moved the Court for leave to submit this cause

Saturday February 19th 1842. Continued

on a printed argument in behalf of his client. On Consideration whereof, it is now here ordered by the Court that said motion be and the same is hereby granted.

The Mayor &c of Mobile	Mr Sat of Counsel for the
54. " pffs in Er.	Plaintiff in Error now
Jonathan, Emanuel &c	here moved the Court for

leave to submit this cause on a printed argument in behalf of his client. On Consideration whereof, it is now here ordered by the Court that said motion be and the same is hereby granted.

William H. Williams	The argument of this
33. " pffs in Er.	cause was commenced
James Ash	by Mr Marbury for the

Plaintiff in Error, continued by Mr Bradley for the defendant in Error and concluded by Mr Marbury for the Plaintiff in Error.

James Reed admr of	The argument of this cause
Philip Reed dec'd	was commenced by
34. " pffs in Er.	Mr Brent for the plain
Daniel W. Hastings	tiff in Error.

Monday February 14th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

James Roach, admr of Philip Roach, decd
vs. } Pltff in Er.
Daniel M. Collings.

The argument of this cause was continued by Mr Brent for the plaintiff in Error, by Mr Bradley for the Defendant in Error, and concluded by Mr Brent for the plaintiff in Error.

Monday February 4th 1849. Continued.

John L. Lobery - Pff in Er.	This Cause having been
35. "	called for argument
Abel Bugg - - -	and no Counsel appear-
	ing - It is thereupon

now here ordered by the Court that this Cause be and the same is hereby entered to the foot of the docket under the 36th rule of this Court. —

Thomas Wood Jr. Claim'g &c	This Cause having been
36. "	called for argument and
The United States - -	no Counsel appearing
	It is thereupon now

here ordered by the Court that this Cause be and the same is hereby entered to the foot of the docket under the 36th rule of this Court. —

Samuel Hobbins Pff in Er.	This Cause was submitted
38. "	to the Consideration of the
The Commissioners of Erie County	Court on the transcript

of the record and a printed argument by Mr. Galbraith on behalf of the Plaintiff in Error; with leave to Mr. Penrose of Counsel for the defendants in Error to submit a printed argument in behalf of his clients. —

Monday February 14th 1842 Continued.

The United States pltff in Err. vs William Murphy def't	This cause having been called for argument and no counsel appearing It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the Docket under the 36th rule of this Court. —

Charles T. Gray pltff in Err. vs William Buchanan —	This cause having been called for argument and no counsel appearing It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court. —

Jonathan Strout &c. Appts vs James Foster &c, Claimants &c. of the Ship Louisville —	This cause having been called for argument and no counsel appearing. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

Monday February 14th 1842. Continued.

Walter Smith & al vs Dennis Gundry —	The argument of this cause was commenced by Mr. Coxe for the plaintiffs in Error, continued by Mr. R. S. Coxe for the defendant in Error and concluded by Mr. Key for the plaintiffs in Error.

The United States vs William Murphy & al	This cause was submitted to the Consideration of the Court on the transcript of the record by Mr. Attorney General of Counsel for the plaintiff, and on a printed argument of Mr. Nash of Counsel for the defendant. —

Charles F. Key - plff in Er. vs William Buchanan	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr. Coxe of Counsel for the plaintiff in Error and by Mr. Cullen of Counsel for the defendant in Error.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock. —

Tuesday February 15th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin — Associate
James M. Wayne — Justices.
John Catron
John McKinley
Peter V. Daniel.

Alexander Cruden Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that Charles S. Davies Esquire of the State of Maine be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.—

Tuesday February 15th 1842. Continued.

The United States appt vs Peter Miranda James B. Murray, Henry M. Van Schuyver Serres Dell, Enoch Wemell, David B. Ogden Thomas B Mercein, Lambert Lagrave, Moses Seguel, Henry Eckford, Charles, Wm Degrand, & Michael Lazarus	On appeal from the Superior Court for the District of East Florida This Cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On Consideration Whereof, It is the opinion of this Court that the grant in this Case is invalid Whereupon it is now here ordered and decreed by this Court that the decree of the said Superior Court in this Case be and the same is hereby reversed and annulled, and that this Case be and the same is hereby remanded to the said Superior Court with directions to that Court to dismiss the petition of the Claimants.— Jos. M. Thos. M Cayne.—

The Mayor and Aldermen of the City of Mobile pffs in Er vs Miguel D. Eslava —	In Error to the Supreme Court of the State of Alabama. This Cause came on to be heard on the

Tuesday February 15th 1842. Continued

transcript of the record from the Supreme Court of the State of Alabama and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with Costs. –

Jos. M. Lean. Mr. Lean. –

John Tompkins Surviving Partner of Abm Tompkins and Adam Murray, Merchants trading under the firm of Tompkins and Murray. – Appt

23. vs

Leonard Wheeler, Joseph Putnam, Norman Porter, Abel Wheeler, Stephen Swift, Jame Lovers, Catharine Huggins, Executor of —— Pilkington dec'd. Huggins. Cockran & Co, Ewing and Crosby, Porter & Butler, E & S. Headman, F. S. Turner, Charles Carr, & W Carr Esqrs of Walter Carr dec'd. & Thomas K. Pindell, President Kentucky Association. –

On appeal from the Circuit Court of the United States for the District of Kentucky. –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued

Tuesday February 15th 1842 Continued

by Counsel. On Consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Js. M. Dr. Thompson.

Charles Patterson appt
vs.
Edmund P. Gaines & Wife

On Consideration of the Motion made in this cause by Mr Hennen on Saturday the 29th ult. and of the arguments of Counsel thereupon had as well in support of as against the Motion. It is now here ordered by this Court that the said Motion be and the same is hereby overruled.

The Bank of the United States
vs.
The United States

Mr Sergeant of Counsel for the plaintiff in Error now here moved the Court to fix a day certain for the argument of this Cause at the present Term of this Court to which Mr Attorney General on behalf of the defendant in Error objected by reason of the great interest it was to the Government to have an early decision of this cause. On Consideration whereof It is now here ordered by this Court that the said

Tuesday February 15th 1842. Continued.

motion be and the same is hereby overruled, but that the Counsel or either side have leave to file a printed argument in behalf of his client —

Robert Milnor et al Appellants 43. vs George W. Maby —	The argument of this Cause was Commenced by Mr. L. Cox for the appellants, Continued by Mr. Bradley for the appellee, and Concluded by Mr. Cox for the appellants. —

Charles Patterson — Appt 44 vs Edmund P. Gaines Surft	The argument of this Cause was Commenced by Mr. R. S. Brent for the appellant —

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock —

Wednesday February 15th 1842.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M Wayne Justices
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court was opened -

William H. Trask. Appellant vs. Rich Gilson, Christopher Medler and James Trask ———	In Error to the Circuit Court of the United States for the District of Columbia holden in & for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and

Wednesday February 15th 1842. Continued.

for the County of Washington and was argued by Counsel On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — Pr. Mr. Chs. Daniel. —

The United States. appt.	On appeal from the Superior
44. vs	Court for the District of
Pedro Miranda val	East Florida. —

It is now here ordered by this Court that the Clerk return to the Clerk of the said Superior Court the thirteen papers marked from No 1 to 13 inclusive, purporting to be the original Spanish grants which were sent up with the transcript of the record in this case for the inspection of this Court. —

Pr. Mr. Ch. Chs. Taney —

Charles E. Pattison. appt	The argument of this cause
44. vs	was continued by Mr R. J. Brent
Edmund P. Gaines Exr &c	for the appellant. —

Proclamation being made the Court is adjourned until

Thursday February 17th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
the Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Charles Pattison appt	The argument of this cause
vs.	was continued by Mr. R.
Edmund P. Gaines & wife	J. Brent for the appellant
	and by Mr. King for the appellees.

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

Friday February 18th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Charles Pollinson appt	The argument of this cause
4th "	was continued by Mr. Key
Edmund P. Gaines & Wife	& Jones for the appellees.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Saturday February 19th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Esq. Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in the behalf by Mr Jones it is ordered that Henry Stump Esquire of the State of Maryland be admitted to practice as an attorney and counsellor of this Court and he produced accordingly.

Saturday February 19th 1842. Continued.

Charles Kelsey & Charles McClure 28. vs Myra M. Hobby & Thos P. Bond	On appeal from the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel. On Consideration Whereof It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum from the date of the revocation of the decree in the Court below. — Wr. Mr. Ch. Js. Taney.

Dissenting, Justices McLean & Baldwin. —

Charlotte A Parish. apt 46. vs Harvey W. Ellis resp	On motion of Mr. Gilpin of Counsel for the appellee. It is now here ordered by the Court that leave be and the same is hereby granted him to submit this case on a printed argument in behalf of his client.

Saturday February 17th 1842. Continued

Charles Patterson - appt vs Edmund P. Gaines & wife	The argument of the cause was continued by Mr Lines for the appellees and by Mr Bent for the appellants

Proclamation being made the Court is adjourned until Monday morning at eleven

Monday February 21st 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
Henry Baldwin
James M Wayne
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Charles Pollard appt	The argument of this cause
vs.	was concluded by Mr Brent
Edmund P. Gaines & wife	for the appellant.

Adam S Mills & al pltffs in	The argument of this cause
Error	was commenced by Mr Jones
vs.	for the plaintiffs in Error.
William G. Brown & al	

Proclamation being made the Court is adjourned until

Tuesday February 21st 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
Smith Thompson
Henry Baldwin
James M Wayne
John Catron
John McKinley
Peter V. Daniel
The Marshal
Attorney
Clerk

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that Earl Wheeler Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was forthwith accordingly.—

Tuesday February 22nd 1842 Continued

Eleazer Carver. pff in Er 90. Joseph A. Hyde et al	Mr Dexter of Counsel for the plaintiff in Error now here moves the Court that the transcript of the record may be amended by the original patent in the last sentence of the recital of the plaintiffs specification of his invention, by striking out the word 'Where' and inserting the word 'when' whereupon this Court not being now here sufficiently advised of and concerning what order to make in the premises touching the same it is Ordered. —
Charlotte A Parish appt 46. Harvey W. Elliot & wife	This cause was submitted to the Consideration of the Court on the transcript of the record and printed argument by Mr Selden of Counsel for the appellees. —
Jeremiah Carpenter pffn Er 47. The Providence Washington Insurance Company	The argument of this cause was Commenced by Mr Whipple of Counsel for the plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Wednesday February 23d 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.	
	Joseph Story		
	Smith Thompson		
	John McLean		
The Hon'ble	Henry Baldwin	Associate	
	James M. Wayne	Justices	
	John Catron		
	John McKinley		
	Peter V. Daniel		

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Elezer Carver Plff in Er. vs. Joseph A. Hyatt Def.

On Consideration of the motion made in this cause yesterday by Mr Leyden of Counsel for the plaintiff in Error that the transcript of the record may be amended by the original patent in the last sentence of the recital of the plaintiffs specification of his invention, by striking out the word "where" and inserting

Wednesday February 23d 1842. Continued

the words "others". It is now here ordered by this Court that the said motion be and the same is hereby overruled.

Jeremiah Carpenter Appellant " The Providence Washington	The argument of this cause was continued by Messrs Greene & Sargeant for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 24th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B Taney Chief Justice
Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate
James M. Wayne Justices
John Catron
John McKinley
Peter V Daniel

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

James K. Fulton, John W. Bell	In Error to the High
Edward P. Johnson et al	Court of Errors and
58. vs.	Appeals for the State
Magan McAfee	of Mississippi

This cause came on to be heard on the transcript of the record from the High Court of Errors and Appeals for the State of Mississippi and was argued by Counsel.

Thursday February 24th 1842. Continued

or Consideration whereof It is ordered and adjudged by this Court that this writ of Error be and the same is hereby dismissed for the want of jurisdiction, and that this cause be and the same is hereby remanded to the said High Court of Errors and Appeals that such proceedings may be had therein as to law and justice may appertain. —

(Sd) Mr. Ch. Jus. Taney —

Thomas Ilford Jr. Claimt of 22 pieces of Cloth &c. Plff in Error 36. vs The United States —	Mr Attorney General moved the Court to set down this Cause for argument on Tuesday next, to which Mr. Crittenden of Counsel for the Plaintiff in Error assented. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises Took time to Consider
Jeremiah Carpenter Plff in Error 47. vs The Providence Washington Insurance Company	The argument of this Cause was Continued by Mr Sergeant for the Defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Friday February 25th 1842.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

Joseph Story
Smith Thompson
John McLean
The Hon'ble Henry Baldwin — Associate
James M. Wayne — Justices
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esqre. Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Smith Carpending Benjamin Yard & others — Appts
vs.
The Ministers Elders & Deacons of the Reformed Protestant Dutch Church of the City of New York & others

On appeal from the Circuit Court of the United States for the Southern District of New York.—

This cause came to be heard on the transcript of the record from the Circuit Court of

Friday February 25th 1842 Continued

the United States for the Southern District of New York and was argued by Counsel on Consideration whereof. It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. —

Js. M. Js. Catron —

Thomas Wood Jr. Claimt of 22 Pieces of Cloth. Pff in Er. 36. vs. The United States —	On Consideration of the motion made in this cause yesterday by Mr. Attorney General of Counsel for the defendant in Error. It is now here ordered by the Court that said motion be and the same is hereby overruled. —
Jeremiah Carpenter — 47 vs. Pff in Er. The Providence Washington Insurance Company	The argument of this cause was continued by Mr. Sergeant for the defendant in Error. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday February 25th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	Peter V. Daniel.	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court was opened.

On motion first made to the Court on this behalf by Mr. Walker. It was ordered that Richard Morton Young Esquire of the State of Illinois be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court on this behalf by Mr. Brandeby. It was ordered that William Curtis Noyes Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Saturday February 26th 1842. Continued

James Todd the Appt
101
Ols Daniell —

Mr Lewis of Counsel for the appellee in this cause moves the Court to dismiss this appeal for irregularity and want of jurisdiction. Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider. —

William Gwin Marshal &c
82. vs Pltff in Er
Buchanan, Hagan, & Co for the use of Wm McClidy &c

Mr Henderson of Counsel for the Defendants in Error moves the Court to dismiss this cause because there is no writ of Error, no writ of Error bond, no citation to Defendants in Error, and because the case was docketed by these defendants in Error and dismissed by the Court, and is now docketed by the plaintiff in error without leave of the Court or consent of the defendants in Error. Which motion is opposed by Mr Walker of Counsel for the plaintiff in Error because the record of the case shews that a writ of Error was allowed and bond entered into according to law. Whereupon this Court not being now here sufficiently advised of and concerning what order

Saturday February 25th 1842. Continued

William Gunn, Marshal &c 82. ⎫ pl'ff in Er Buchanan, Hagner & Co. for the use of Mr. Holladay & Co	Mr. Walker of Counsel for the Plaintiff in Error having filed and read in open Court the following Suggestions Viz. "The plaintiff in Error suggests a diminution of the record in the absence of the Copy of the writ of Error, the appeal bond and Citation. R. J. Walker for pl'ff in Er." now here moved the Court for a writ of Certiorari - which was opposed by Mr Key son of Counsel for the defendants in Error who upon this Court not being now here sufficiently advised of and concerning what order to render in the premises, took time to consider. —

Jeremiah Carver. pl'ff in Er ⎫ the Franklin & Washington Insurance Company	The argument of this Cause was Concluded by Mr Whipple of Counsel for the plaintiff in Error.

Proclamation being made the Court adjourned until Monday morning at ten o'clock

Monday February 28th 1842.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
The Court	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
Williams Thomas Carroll Clerk -

Proclamation being made the Court is opened. -

Adam S. Mills val pltff in Er vs. William G. Brown val	The argument of the cause was commenced by Mr Bayly for the plaintiff in Error, continued by Mr Reynolds & Key for the defendants in Error and by Mr Lines for the plaintiff in Error. -

Eleazer Carver pff in Er
vs
Joseph A. Hyde et al

This cause was submitted to the Consideration of the Court on the transcript of the record and printed arguments by Mr Baxter for the plaintiff in error and by Messrs Fletcher and Phillips for the defendants in Error.

Ex parte: No 84 of 1835.
The Mayor &c of New Orleans
vs pff in Er
C. C. Le Carpentier et al

Upon the application of Mr White, It is ordered by the Court, that leave be and the same is hereby granted him to withdraw from the record in this case a plat of "Boutin" upon his leaving a copy thereof in the Clerks Office and filing this receipt therefor with the Clerk.

Jr. Mr. Ch. Jus. Taney

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock

Tuesday March 1st 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Matthew Cobea Appt	On appeal from the
32 To	Circuit Court of the
Allen C. McArthur, James D. McC.	United States for the
Arthur, Effie Coons Mary Trimble,	District of Ohio.
Eliza Ameresa, Francis Walker and	
John Kercheval, heirs at Law of	This cause came on
Duncan McArthur, deceased	to be heard on the tran-
	script of the record

Tuesday March 1st 1842 Continued.

from the Circuit Court of the United States for the District of Ohio and was argued by Counsel. On Consideration whereof. It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to dismiss the Bill without prejudice.

Js. M. Thompson

Edward Prigg plff in Er
vs.
The Commonwealth of Pennsylvania

In Error to the Supreme Court of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Supreme Court of Pennsylvania and was argued by Counsel - On Consideration whereof, It is the opinion of this Court that the act of the Commonwealth of Pennsylvania upon which the Indictment in this case is founded is repugnant to the Constitution and Laws of the United States and therefore void, and that the judgment of the Supreme Court of Pennsylvania upon the special verdict found in the case ought to have been that the said Edward Prigg was not guilty

Tuesday March 1st 1842 Continued.

It is, therefore, ordered and adjudged by this Court that the judgment of the said Supreme Court of Pennsylvania be and the same is hereby reversed. And this Court proceeding to render such judgment in the premises as the said Supreme Court of Pennsylvania ought to have rendered, do hereby order and adjudge that judgment upon the special verdict aforesaid be here entered that the said Commonwealth is not guilty in manner and form as is charged against him in the said Indictment, and that he go thereof quit, without day and that the cause be remanded to the Supreme Court of Pennsylvania with direction accordingly, so that such other proceedings may be had therein as to law and justice shall appertain.

Mr. Justice Story —

William Linn Minor & Catharine Minor his wife. 102. vs Stubal Gillaston —	In Error to the Circuit Court of the United States for the Eastern District of Louisiana. —

Mr. Fletcher Webster of Counsel for the Defendant in Error having filed and read in open Court a certificate of the Clerk of the Circuit Court of the United States for the Eastern District of Louisiana in the words and figures following, that

Tuesday March 8th 1842. Continued

"Clerks Office Circuit Court of the United States
9th Judicial Circuit Eastern District of Louisiana.
William Shw. Miner vs Nathaniel Mann his Ux.

No. 1.

Shubal Tillotson

In this case I Certify that a final judgment was rendered in favor of the defendant on the 10th day of April 1840; that a writ of Error was issued out by and allowed to the plaintiff on the 13th day of February 1841 and which writ of Error was returnable to the 1st Monday of January 1842.

Witness my hand and the Seal of the said Court at the City of New Orleans this 29th day of January 1842.

Seal

Duncan N. Kenner Clk.

and having stated that the plaintiff in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of Error. Now here moved the Court, in pursuance of the forty third rule of this Court to have this writ of Error docketed and dismissed. Or Consideration Whereof, It is now here ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the Eastern District of Louisiana be and the same is hereby docketed

and dismissed with Costs, and that this Cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in Conformity to law and justice, the said writ of Error notwithstanding.—

Pr. Mr. Ch. Jas. Taney—

Adam S. Mills vs. pffs in Er.	The argument of this
45. to	Cause was concluded
William G. Brown & C.	by Genl Jones of Counsel
	for the plaintiffs in Error.

Joshua Maurian pffs in Er.	The argument of this
48. to	Cause was commenced
Edward Bullus —	by Mr Whipple of Counsel
	for the plaintiff in Error.

Mr Chief Justice Taney announced to the Bar that the Court would adjourn on Thursday the 10th instant, and that the Court would not receive any Case on oral or printed argument after Monday the 8th instant

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock—

Wednesday March 2nd 1842.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	John McLean	
	Henry Baldwin	
The Hon'ble	James M. Wayne	Assoc. Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

---

proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Lee. It is ordered that A. Randall Esquire of the State of Maryland be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday March 2d 1842 Continued.

John Gordon Plff in Er vs James Longest	On Error to the Court of Appeals in and for the Kentucky District.

This cause came on to be heard on the transcript of the record from the Court of Appeals in and for the Kentucky District and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Court of Appeals with instructions to that Court to remand the cause to the Circuit Court of the State, with directions to that Court to enter an allowance of the petition of the defendant for the removal of this cause to the Circuit Court of the United States for the District of Kentucky Nunc pro tunc. JMcK. Mr. McLean

The United States of America by vs Plff William Murphy & William Morgan	On a certificate of division between the Judges of the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript

Wednesday March 2d 1842 Continued

of the record from the Circuit Court of the United States for the Southern District of New York and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof. It is the opinion of this Court that all the said questions should be answered in the affirmative, to wit —

1st That Thomas McMahon, the owner of the property alleged to have been stolen, was a competent witness to be examined on the part of the United States, with all the matters set forth in the opposite transcript. 2d That he was competent to prove the ownership of the property described in the indictment, and that it had been taken and carried away with intent to steal and purloin; and lastly that if the witness had been incompetent for both or either of the above purposes, his competency would be restored by releasing to the United States all his right to and in the fine. Whereupon, it is now here ordered and adjudged by this Court that an answer in the affirmative to all the questions be certified to the said Circuit Court. —

Jr. McKinley. Story.

Wednesday March 2d 1842. Continued.

Robert Milnor, John Thompson, David Petticken & Jas Woodbury Secretary of the Treasury of the United States. — Appts
48. vs
George W. Mabry — Appee

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On Consideration whereof, It is now here ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. —

Jos. M. Hus. Catron. —

Joshua Mauran pltff in Er
48. vs
Edward Bullus —

The argument of this cause was continued by Mr Whipple of counsel for the pltff in Error and by Messrs F. C. Lee and Southard of Counsel for the defendant in Error. —

Wednesday March 2d 1842. Continued

David Brady vs Peffers &c. ⁊ Draper Ruggles vs	this cause was submitted to the consideration of the Court on the transcript of the record and printed arguments by Mr Choate for the plaintiffs in Error and by Mr Ruggles for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday March 3d 1842.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

John Doe on the demise of John Walker, Daniel Hughes, Paul Smith, Robert Smith, and Hugh Moore — Error —

2. to

William Simms, Joseph White, James Campbell, Daniel Beck, William Sylvester, Benjamin Thompson and Joshua Smith. —

On a certificate of division in opinion between the Judges of the Circuit Court of the United

Thursday March 3d 1842. Continued

States for the District of Kentucky. —

It having been suggested to the Court that some of the parties in this cause have departed this life since the case was certified to this Court in December Eighteen hundred and forty two, and that the case is one of great importance, and no Counsel having appeared to represent the interests of the defendants. It is therefore now here ordered and adjudged by this Court that this cause be and the same is hereby remanded to the said Circuit Court in order that proper parties may be made to the case, and that such proceedings may be had therein as to law and justice may appertain. — Js. M. Ch. Jun. Surg

Joshua Maurau &c. Plffs in Er.	The argument of this
48.	Cause was concluded
Edward Bullus —	by Mr Whipple of Counsel
	for the Plaintiff in Error.

Thursday March 3d 1842. Continued.

M'Clung, Perry & Rigby, appts 19. vs Kingsland, Leightner & Cuddy.	On the motion of Mr M'Candless of counsel for the plaintiffs in Error. It is now here ordered by this Court that this cause be and the same is hereby continued to the next term of this Court.
Richard B. Alexander —, 50. vs Jeffries Moses Graham —,	This cause having been called for argument and no counsel appearing. It is thereupon now here ordered by this Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—
John L. Innis pffs in Er 51. vs Nathan Smith —	The argument of this cause was commenced by Mr Key of counsel for the plaintiffs in Error, and continued by Mr Walker of counsel for the respondent in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Friday March 4th 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Daniel Dobbins pltff in Er	In Error to the Supreme
38.	Court of the Commonwealth of Pennsylvania
The Commissioners of Erie County.	

This cause came on to be heard on the transcript of the record from the Supreme Court of the Commonwealth of Pennsylvania and was argued by Counsel.

On Consideration whereof, It is now here ordered and adjudged by this court that the judgment of

Friday March 1st 1842. Continued.

the said Supreme Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Supreme Court with direction to affirm the judgment of the Court of Common Pleas of Erie County in this cause. — Pr. Mr. Ch. Jus. Wayne. —

William H. Williams —	In Error to the Circuit
33. vs	Court of the United States
James Ash — —	for the District of Columbia
	holden in and for the
	County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration Whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. Pr. Mr. Ch. Jus. Taney. —

Friday March 4th 1842. Continued

Richard B Alexander &c. vs Moses Graham	Mr Semmes of Counsel for the defendant in Error having suggested the death of the defendant in Error pending the pendency of the cause in this Court, moved the Court to have the suggestion docketed - Whereupon it is now here ordered by this Court that the said suggestion be and the same is hereby docketed -
Asher L Ames plff in Er. vs Nathan Smith	The argument of this cause was continued by Mr Walker for the defendant in Error and concluded by Mr Key for the plaintiff in Error -
Thomas Armstrong &c. vs The Treasurer of Athens County	This cause was submitted to the consideration of the Court on the transcript of the record and a printed argument by Mr Ewing of Counsel for the plaintiffs in Error.
The United States plff vs Charles Jenkins &c.	This cause was argued by Mr Attorney General of Counsel for the plaintiff.

Friday March 4th 1842 Continued.

James M. Dickson & al
34. "vs" pffs -
John S. Wilkinson & adm'

On motion of Saml Eaton of Counsel for the Defendant It is now here ordered by the Court that this Cause be and the same is hereby Continued to the next Term of this Court.

The United States pffs in Er
36. "vs"
William A. Elmore's adm'x

The argument of this cause was commenced by Mr Attorney General for the plaintiff in Error, continued by Mr Bradley for the defendant in Error and concluded by Mr Attorney General for the plaintiff in Error.

The State of Rhode Island & Providence Plantations Complt
"vs"
The Commonwealth of Massachusetts -

Bill in Equity.

Mr Whipple of Counsel for the Complainant in the above entitled cause having filed and read in open Court the following agreement in writing, Viz:

Friday March 4th 1842. Continued

In Equity

In the case of the State of Rhode Island Complainant

vs

The State of Massachusetts Respondent

It is agreed by the parties in the above case, that Daniel Cushing of the City of Providence and State of Rhode Island and Simeon Borden of Boston in the State of Massachusetts be appointed by this Court Surveyors to run such lines on or near the line or lines in dispute, or in any way tending to settle said line, as either or both the parties may request and to make and return to the office of the Clerk of this Court a true and accurate plan of such lines with the courses distances, boundaries or known Monuments on or near the same, as in their judgment may tend to elucidate the subject matter in dispute, said Plans to be returned to said Clerks office on or before the 1st day of November next.—

It is also agreed by the parties aforesaid that Henry L. Bowen of said City of Providence and Charles Sumner of the said City of Boston be appointed by the Court, Commissioners to take such Depositions of Witnesses as either party may request said Commissioners being first duly sworn to a-

Friday March 4th 1842 Continued

faithful performance of said duty before some
Judge Justice of the peace or other Magistrate
in said States of Massachusetts or Rhode Island.
Said Commissioners shall also give to the Counsel
of said State of Rhode Island, John Whipple &
Richard K. Randolph, and to the Counsel of the
said State of Massachusetts, Daniel Webster or
Rufus Choate notice of the times and places of
taking such depositions together with notice of the names
of the witnesses, at least ten days before the taking of
the same, unless the Counsel for the said States
shall agree to dispense with such notice and agree
upon the time & place of taking the same.

Such Depositions thus taken, and the plans of said
Surveyors, together with such deeds or certified
copies of deeds and other documents to be used as
evidence in said case shall be returned to the office
of the Clerk of this Court on or before the 1st day of Nov
next, which shall be considered a publication of
the evidence in said case, and that no depositions, plans
or documentary evidence unless so taken & published
shall be used as evidence in said case, without the
further order of this Court upon sufficient cause shewn,
Provided however, that any historical information
derived from such public histories as this Court

Friday March 4th 1842. Continued

may choose to hear, may be referred to on the trial of said case without being proved and published as aforesaid, Provided however that notice of such references & testimony shall be given by each party to the other at least ten days before the trial of said case.—

In case of the death, or sickness or inability of either or all said Commissioners & Surveyors to attend to the duties aforesaid or in case either declines, the Circuit or District Court of either the said States of Rhode Island or Massachusetts upon application by either of the parties may appoint a substitute. It is also agreed that said Surveys and taking of testimony shall commence on the 1st day of August next or sooner if agreed by the parties

It is further agreed that said case be continued till the next Term of this Court.—

The State of Rhode Island
&c. John Whipple & R. K. Randolph.
The Commonwealth of Massachusetts
&c. R. Choate."—

Now here moved the Court for an order to carry said agreement into effect. On Consideration whereof. It is thereupon now here ordered, adjudged and decreed by this Court that the parties be and they

Friday March 4th 1842. Continued.

are hereby authorized and directed to proceed under the agreement as foregoes for, and that the said Commissioners & Surveyors be and they are hereby appointed with full power to execute the duties specified in said agreement.

Pr. Ch. Jno. Taney.—

Proclamation being made the Court is adjourned until to morrow morning at eleven oclock.—

Saturday March 5th 1842.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice.

	Joseph Story	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf by Mr Henderson — It is ordered that Garrett Davis Esquire of the State of Kentucky be admitted to practise as an attorney and Counsellor of this Court and he was sworn accordingly. —

Saturday March 5th 1842 Continued

Walter Smethurst —	On Consideration it is
42 vs Jeffries	now here ordered by the
Dennis Conway —	Court that this cause be
	held pinser adviserment

and that it be and the same is hereby Continued to the next term of this court —

Charles Patterson Appt	On Consideration it is now
44 vs	here ordered by the Court that
Edmund P. Gaines & Wife	this cause be held under
	advisement, and that it be and

the same is hereby Continued to the next term of this court.

Thomas Wood for Damt &c	This cause was submitted
35 vs Jeffries	to the Consideration of the
the United States —	Court on the transcript of

the record and printed arguments of Messrs Crittenden & Meredith in behalf of the Plaintiff in Error and of Mr Attorney General & Mr Cadwallader of Counsel for the defendant in Error.

William M Gwin Appt	On Consideration of the
61 vs	motion made by Mr Key
James W. Breedlove	to dismiss this cause for

irregularity and of the

Saturday March 5th 1842. Continued.

arguments of Counsel thereupon had as well in support of as against the motion. It is now here ordered by the Court that said motion be and the same is hereby overruled. —

William M. Gwin Jeffn &c.	In Error to the Circuit
vs.	Court of the United
James M. Bridlove	States for the Southern
	District of Mississippi.

Mr Walker of Counsel for the plaintiff in Error having filed and read in open Court the following suggestion of Diminution of the record in this case, to wit. "In the absence of the writ of Error, Bond & Citation and of the Return thereof"

By reason of which omissions and errors as said the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judge of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they should certify to this Court under the seal of the said Circuit Court whatever omissions and errors should be found.

On Consideration whereof. It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued

Saturday March 5th 1842. Continued.

forthwith and to be directed to the Judges of the said Circuit Court Commanding them to Certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. —

The United States pltff
85 vs
Gabriel V. Irving defdt

On the motion of Mr Attorney General first made in this behalf. It is now here ordered by the Court that the Clerk deliver to the Attorney General the following original papers in this case, to wit Transcript of account current between the United States and Samuel Swartout, two accounts current between the same parties, and the evidence of Barker and Forbert. and that the Clerk file the receipt of the Attorney General therefor. —

The United States pltff
44 vs
Pedro Miranda defdt

On motion of Mr Attorney General first made in this behalf. It is now here ordered by the Court that the Clerk deliver to him the papers produced by him in this case, and that the Clerk file the receipt of the Attorney General therefor. —

Saturday March 5th 1842. Continued

John Rault Jpff in Er vs. James H. Cook —	Mr Brent of Counsel for the defendant in Error moved the Court either to affirm the judgment in this cause with ten per cent damages under the 17th rule of this Court, and for that purpose submitted the case on the record & Briefs and dismiss this writ of Error with Cost under the 43d rule of Court, Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider. —

James Todd Sub. Jpff vs Ols Lamell —	The motion made by Mr Davis to dismiss this appeal was argued by him & by Jpff's of the motion by Mr Smith against it. —

William Gwin Marshal &c vs. Jpff in Er Buchanan, Hagan & Co —	On Consideration of the motion made by Mr Henderson, to dismiss this Cause for irregularity and of the arguments of Counsel thereupon had as well in support of as against the motion. It is now here ordered by the Court that said motion be and the same

Saturday March 5th 1842. Continued.

M. William M. Gwin, Marshal &c vs J. Buchanan, Hagan & Co. for the use of J. Dr. Holliday & Co.	In Error to the Circuit Court of the United States for the Southern District of Mississippi.

Mr. Walker of Counsel for the plaintiff in Error having filed and read in open Court the following Suggestions of Diminution of the record in this Cause, in this, viz:

"In the absence of the Copy of the writ of Error, the appeal Bond and Citation. By reason of which omissions and errors aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court commanding them that touching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found. On Consideration whereof, It is now here ordered & adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this Cause and return the same with the said writ of Certiorari forthwith to this Court.

Proclamation being made the Court adjourned

Monday March 5th 1849.

Pursuant to adjournment the Court met this morning at the Capital -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
John McLean
The Hon'ble Henry Baldwin Associate Justices
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened.

John H. Randolph Exor of the last will & Testament of Algernon S. Randolph, dec'd
vs.
Israel Barrett, admor of Jack F. Randolph, deceased

In Error to the Circuit Court of the United States for the Southern District of Mississippi -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel - On Consideration whereof It is now here ordered

Monday March 7th 1842. Continued

and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed, with costs and damages at the rate of six (6) per centum per annum. —

Js. M. Ths. McKinley —

Charles S. Hozey. &c. Plff in Er

40.

William Buchanan —

In Error to the Circuit Court of the United States for the Eastern District of Louisiana. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed, with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court. —

Js. M. Ths. McLean. —

Monday March 7th 1842 Continued

John Brent Jeffn	In Error to the Circuit
94. "	Court of the United States
Frances H. Hooke	for the Eastern District
	of Louisiana.

On Consideration of the motion made by Mr Brent of Counsel for the defendant in Error on a prior day of the present Term of this Court, Viz. On Saturday the 5th Instant, to dismiss this writ of Error, and it appearing to the Court that the transcript of the record in this case had been filed by the defendant in Error and the case docketed at his instance, the plaintiff in Error having altogether failed to prosecute his writ of Error under the 43d rule of this Court. Whereupon it is now here ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed with Costs under the 43d. rule of this Court —

Ps. Mr. Ch. Js. Taney —

Monday March 7th 1842 Continued

William John Minor Thos 112. vs Jeffords. Thubal Tillotson	In Error to the Circuit Court of the United States for the Eastern District of Louisiana.

Mr Walker of Counsel for the defendant in Error now here moved the Court to set aside and rescind the order of this Court of the 1st instant docketing and dismissing this writ of Error under the 13th rule of this Court and for leave to file a transcript of the record and to docket the Case under the rules of this Court. On Consideration whereof; and it appearing to this Court that the said transcript of the record is duly certified to this Court under its rule and that the delay in filing it has been accidential and was not intended for the purposes of delay; and the Court being satisfied that the defendant in Error is not delayed or injured by reason of the late period of the term at which the record is filed, because from the State of the business of the Court this Case would not have been tried at the present term if the record had been filed within the first six days of the term. It is thereupon now here ordered by this Court that the said order of the 1st instant be and the same is hereby rescinded and annulled and that the plaintiffs in Error have leave to file the record and docket

Monday March 7th 1842. Continued.

the writ of Error under the rules of this Court upon the payment of the costs in this Court. —

Pr. Mr. Ch. Jus: Taney. —

James M. Roy, James C. Hanson, Ulysses H. Roy & Clark Stocklin — 58. vs. Joseph Soffman & John H. Rawlings & Wm. C. Butler Merchants & partners trading under the name & style of J. H. Rawlings & Co

In Error to the District Court of the United States for the Northern District of Mississippi

Mr. Walker of counsel for the plaintiffs in Error having stated that the matters and things in controversy had been agreed and settled between the parties, and that the plaintiffs in Error had paid all the costs accruing in the case in this Court, moved the Court to dismiss the writ of Error. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of Error be and the same is hereby dismissed. —

Pr. Mr. Ch. Jus Taney —

Monday March 7th 1842. Continued.

John H. Peyton, Agatha Strother Peyton & William Madison Peyton. 103. vs Appts. William Merriwether, Richard Merriwether, David French and David Farnsley. —

On appeal from the Circuit Court of the United States for the District of Kentucky —

Mr. Evans of counsel for the appellees having filed and read in open court a certificate of the Clerk of the Circuit Court of the United States for the District of Kentucky in the words and figures following, to wit —

"United States of America, Eighth Circuit Court Kentucky District ss.

John H. Peyton, Agatha Strother Peyton & William Madison Peyton — Complainants —

against In Chancery

William Merriwether, Richard Merriwether, David French and David Farnsley — Defendants —

Be it remembered that heretofore, to wit, at a Circuit Court continued and held for the Eighth Circuit and District aforesaid at the Capitol in the Town of Frankfort at the May Term and on the ninth day of May 1835, the following order was entered in said cause, to wit.

This cause having come on to be heard upon the

Monday March 7th 1842. Continued.

Bills, answers, depositions and Exhibits, and the arguments of Counsel on each side having been fully heard as well on the exceptions taken by the Counsel of Complainants, to the depositions of defendants, as on the merits of the cause; It seems to the Court that the depositions to which the exceptions were taken on the grounds only of their having been taken since the former decree was set aside on the petition of the defendant Merriweather, should be taken and considered as part of the evidence in the cause, and that the exceptions thereto are consequently overruled. It seems also to the Court, that the Complainants have failed to sustain, the validity of the entry in the name of Madison under which they claim the land in contest. —

It is therefore decreed and ordered, that the Bills of the Complainants be and the same are hereby dismissed, and that they pay the defendants their costs by them expended in their defence in this Contest. —

Whereupon the Complainants prayed an appeal to the Supreme Court of the United States, which is granted upon their entering into bond, with Nathaniel Hart, their security within six months

Monday March 7th 1842. Continued

from this time in the penalty of One thousand _____ Conditioned to pay all the costs that may be awarded against them in the said Supreme Court. And afterwards Court, on the 13th day of May 1835 the following appeal Bond was executed in said cause, to wit:

Know all men by these presents that we John H. Peyton, Agatha Strother Peyton and William Madison Peyton and Nathaniel Hart are held and firmly bound unto William Meriwether, Richard Meriwether, David French and David Parnsley in the sum of One thousand dollars to which payment well and truly to be made, we bind ourselves our heirs Exrs & admrs firmly by these presents. Sealed with our Seals and dated this 13th day of May 1835.

Whereas the said John H. Peyton, Agatha Strother Peyton and William Madison Peyton have prayed for and obtained an appeal from a decree of the 7th Circuit Court of the United States of America in and for the Kentucky District, pronounced at the present May Term of said Court wherein the said John H. Peyton &c were Complts and the said William Meriwether &c were Defendants.

Now the Condition of this above obligation is such, that if the said John H. Peyton &c shall well and

Monday March 7th 1842. Continued

truly prosecute the said appeal with effect or in failure thereof pay all costs and damages that may be awarded against them, then the obligation to be void otherwise to remain in full force and virtue.—

Seal

Nath. Hart Seal

United State of America

I, John H. Hanna Clerk of the Circuit Court of the United States in and for the Eighth Circuit and District of Kentucky do hereby Certify that the foregoing is a true Copy of the decree and appeal Bond now on file in my office, in the cause mentioned in the Caption thereof.—

Seal

In Testimony Whereof, I have hereunto set my name and affixed the Seal of said Court this 27th day of December A. D. Eighteen hundred and forty one and of the Independence the Sixty Fifth.—

Jno. H. Hanna. C. C. C. K. D.

By Nath. P. Pater Jun. D. C.

And having stated that the said Appellants had altogether failed to file the record of said case in this Court or in any way to prosecute said appeal, now here moved the Court in pursuance of the 43d rule of this Court to have this appeal dismissed

Monday March 7th 1842 Continued.

and dismissed - On Consideration whereof It is now here ordered and decreed by this Court that this appeal from the decree of the Circuit Court of the United States for the District of Kentucky be and the same is hereby dismissed and dismissed with Costs, and that this cause be and the same is hereby remanded to the said Circuit Court of the United States for the District of Kentucky for further proceedings to be had therein in conformity to law and justice the said appeal notwithstanding. — Jos. Mc Ch. for Taney. —

George Jackson, Nancy Anderson Robert Kirk and John H. Rye 106. vs The Lessee of Gabriel Lyngye and Mary his wife. —	In Error to the District Court of the United States for the Western District of Pennsylvania.

Mr. McCandless of Counsel for the Defendants in Error having filed and moved in open Court the following certified copies of the writ of Error and Citation in the above entitled cause, to wit:

"United States of America, ss:

The President of the United States to the Judges of the United States for

the Western District of Pennsylvania. Greeting:

Because in the record and proceedings as also in the rendition of the judgment of a plea which is in the said Court before you between Richard Smith Esqr of Gabriel Swaggs and Mary his wife citizens of the State of Mississippi Plaintiffs and William Stibs a citizen of the State of Pennsylvania with notice to George Jackson, Nancy Thomson, Robert Kirk and John H. Page citizens of the same State Tenants in possession defendants, manifest error hath happened to the great damage of the defendants, as by their complaint appears, we being willing that error if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf do command you if judgment be therein given that then under your seal distinctly and openly you send the record and proceedings aforesaid with all things concerning the same to the Supreme Court of the United States together with this writ so that you have the same at Washington on the second Monday of January next in the said Supreme Court to be then and there held that the record and proceedings aforesaid

Monday March 7th 1842 Continued.

being inspected the said Supreme Court may cause further to be done therein to correct that error what of right and according to the laws and Customs of the United States should be done.

Witness the Honorable Thomas Irwin Judge of the United States for the Western District of Pennsylvania the fourth day of May A.D. 1835 and of the Independence of the United States the fifty ninth.

E.S. Roberts Clerk.

I Thomas Irwin Judge of the United States for the Western District of Pennsylvania having taken and approved the Bond of Neville B. Craig Esqr as Security for the defendants in this suit named, do allow this writ of Error —

Witness my hand and Seal the fifteenth day of October A.D. 1835. Th. Irwin Seal

(Endorsed)

No 3. of May Term 1833. Lessee of Swayze et ux v Wrecken et al — Writ of Error."

"In the District Court of the United States for the Western District of Pennsylvania —

No 3 of May Term 1833.

United States Western District of Pennsylvania, ss.

The President of the United States to the Marshal of the Western District

Monday March 7th 1842. Continued.

Whereas Geoge Jackson, Nancy Anderson, Robert Kirk and John H. Page have this day sued out their writ of Error to a certain judgment in ejectment recovered against them on the 7th day of May A.D. 1835 in the District Court of the United States for the Western District of Pennsylvania aforesaid by Gabriel Swayze and Mary his wife Plaintiffs and Geoge Jackson, Nancy Anderson Robert Kirk and John H. Page Defendants returnable in the Supreme Court of the United States on the second Monday of January. These are therefore to Command you that you make known to the said Gabriel Swayze and Mary his wife that they be and appear in the said writ of Error in the said Supreme Court on the first day of the next term thereof to hear an assignment of errors thereof, and herein fail not at your peril, and how you shall have executed this writ of Citation make return to our said Clerk of our said Western District of Pennsylvania at Pittsburgh on the rule day of said Court for the month of November next. Witness the Honorable Thomas Irwin Judge of the United States for the Western District of Pennsylvania at Pittsburgh this 4th day of May A.D. 1835 in the 59th year of the Independence of the United States.

Monday March 4th 1842. Continued.

(Endorsed)

No 3 of May Term 1833 Lessee of Seargeant et ux vs Jackson & others — Citation —

Served on W. W. Fetterman Esq? Pltffs Atty by Copy Oct 23. 1835. John M. Evans Marshal

and having stated that the said plaintiff in error had altogether failed to file the record of said cause in this Court or in any way to prosecute said writ of Error, now here moved the Court in pursuance of the 4th rule of this Court to have this writ of Error docketed and dismissed — on Consideration whereof. It is now here ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the Western District of Pennsylvania be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said District Court of the United States for the Western District of Pennsylvania for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding

Jos. Mr. Ch. Jus. Taney. —

Eleazer Carver pltff in Er vs
90.
Joseph A. Hyde & al Defts

Mr Sullens Call having filed an agreement in writing between Mr Snyder Counsel

Monday March 7th 1842. Continued.

for the plaintiff in Error and Mr Phillips counsel for the defendants in Error that the transcript of the record be amended by the original plaint by substituting the word "when" for the word "where" in the last sentence of the plaintiffs specification. It is thereupon now here ordered by the Court that the said transcript be so amended by substituting the word "when" for the word "where" in the last sentence of the plaintiffs specification.

John A. Gibson & al	This cause was argued by
57. vs	Mr Walker of counsel for
Beverly & Chew	the plaintiffs in Error

Martha Broadnax, Admr	This cause was argued by
59. vs	Mr Jones for the plaintiff
William F. Poller, Executor	in Error and by Mr Brooke
	for the Defendant in Error

Lessee of John Mercer & al	On motion of Mr Jones
60. vs	Counsel for the plaintiff in
Wilson Cary Selden	Error It is now here ordered
	by the Court that this cause

be and the same is hereby continued to the next term of this Court.

Monday March 7th 1842. Continued.

William M. Gwin pltff in Er.
61. vs
James W. Breedlove

On motion of Mr. Walker of Counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this court.

Duncan McArthurs heirs
62. vs Compts
Walter Dunns heirs

This cause was submitted to the Consideration of the Court on the transcript of the record and printed arguments by Mr Leonard for the Complainants and by Mr Stanberry for the Respondents.

The Mayor &c of Mobile
63. vs pltff in Er
Joshua Kennedys exor

The argument of this cause was commenced by Mr Last for the plaintiff in Error, continued by Mr Key Sergeant for the defendant in Error, and concluded by Mr Last for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Tuesday March 8th 1842.

(pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
Joseph Story
John McLean
Henry Baldwin
The Hon'ble James M. Wayne } Associate Justices
John Catron
John McKinley
Peter V. Daniel

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk -

(proclamation being made the Court was opened.

Tobias Nagle aff't	On appeal from the
vs.	Circuit Court of the
Lewis Smith	United States for the
	District of Columbia

holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued

Tuesday March 8th 1842. Continued.

by Counsel On Consideration whereof. It is now here ordered and adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs and this Court proceeding to render such decree in the premises as the said Circuit Court ought to have rendered, doth now here order, adjudge and decree that the injunction granted in this case be and the same is hereby dissolved and that the Bill of Complaint be and the same is hereby dismissed at the Cost of the Complainants, and further that this cause be and the same is hereby remanded to the said Circuit Court with directions to carry this decree into effect. — Ord. Mr. Justice M'Kinley —

Jeremiah Carpenter plff in Er. vs. The Providence Washington Insurance Company	In Error to the Circuit Court of the United States for the District of Rhode Island. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by Counsel — On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this

cause be and the same is hereby affirmed with Costs — By Mr Justice Story

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Adam L. Mills, John K. Gay, Charles Matthieu, Thos. O. Fallan, William C. Wiggins, Andrew Christy, Melanie Christy, Joseph A. Christy, Elizabeth Christy, Mary A. Christy, (which said Joseph A. Christy, Elizabeth Christy, Mary L. Christy, being infants, sue by their next friend Melanie Christy) Emily Pratt, widow of Bernard Pratt dec'd, Emilie her daughter wife of Ramsay Crooks, Ramsay Crooks, Bernard Pratt, Louis Pregnet & Therese his wife, Stephen L. Hullet and Celeste his wife, Louis M. Bogy and Pelagie his wife, and Joseph Blair and Liane his wife — Pltffs in Er.

45. Against —

William G. Brown, John L. Hughes, James Anderson, William Penn, Charles Sargent and the County of St Clair. —

In Error to the Supreme Court of the State of Illinois —

This Cause came on to be heard on the Transcript of the record from the Supreme Court of the State of Illinois and was argued by Counsel. On Consideration whereof, It is now here ordered, adjudged and decreed

Tuesday March 8th 1842. Continued.

by this Court that the writ of Error in this cause be and the same is hereby dismissed for the want of jurisdiction. — Ps. Mr. Ch. Jus. Taney. —

Charlotte A. Parish. Appt
vs.
Harvey W Ellis & Catharine his wife. —

On appeal from the Court of Appeals of Florida.

This cause came on to be heard on the transcript of the record from the Court of Appeals for the Territory of Florida and was argued by Counsel. On consideration whereof it is ordered & decreed by this Court here that the proceedings in the Court below were at law and that the cause has been brought here by appeal instead of by writ of Error. It is therefore now here ordered and adjudged by this Court that this appeal be and the same is hereby dismissed with Costs. —

Ps. Mr. Ch. Jus. Taney. —

Ex parte: In the matter of Charles F. Tibbald — Appt
vs.
the United States. —

On appeal from the Superior Court for the District of East Florida.

Mr. Peters of Counsel for the appellant in the above entitled cause having filed and read in open Court

1843 of Jan Term 1843.

Tuesday March 8th 1842. Continued.

the following petition in writing viz

"To the Honorable the Supreme Court of the United States

The petition of Charles T. Sibbald respectfully represents that at January Term 1838 of the Supreme Court of the United States that the case of the United States appellant vs Your Petitioner the subject matter being a grant of land derived from the Spanish Government and located in Florida, its extent 15000 acres Your honorable Court confirmed the entire grant of your petitioner

That this grant stipulated and your honorable Court decided the right exercised by your petitioner, of making surveys any where in Florida at which decision three several surveys as made were accordingly confirmed to your Petitioner. See 8 Peters S.C. 321.

That it being ascertained that errors in locating surveys under valid titles from the British and Spanish, as also some retained from the Government of the U. States would deprive your petitioner of a large portion of the 15000 acres as decided to belong to him. At the January Term of your honorable Court of 1838 he found it necessary to apply to have the former mandate of the Court so strengthened or altered,

Tuesday March 8th 1842. Continued.

that the Surveyor of the Public Lands in Florida, and the Judge of the United States court there would be directed to make Surveys for such a quantity of land, as that of which he was deprived by these conflicting claims, within his former Surveys.

That your honorable court (12 Peters 488, 489) heard his petition, representing "that by the opinion of this Honorable Court he considered two points clearly settled, to wit that he was entitled to Sixteen thousand acres according to the original grant."—

Secondly. That he had an inherent privilege to direct or point out where other locations should be made in case the other Surveys made for him were interfered with by older and good claims.

That your honorable court (12 Peters 494 have directed the application of the Missouri law of 1824 which you say "will meet the prayer of the petitioner which you feel bound to grant for the reasons set forth" and in accordance with which a supplemental petition was added by the Counsel of your petitioner, at the suggestion of your honorable Court, upon the Missouri law.

That upon receiving the Mandate of the court and examining this law, your petitioner ascertained, that while the decree of your honorable Court, confirmed and recited his right to select lands equal

to have in Florida, he ascertained that this act not authorized the entry of such refuse lands as had been offered at public sale under the President's Proclamation, and thus surprising him of the very spots he might most wish to select.

That also while this act would limit and confine him to such lands as surveyed, the fact exists that only a small portion of the public land in East Florida have been surveyed.

That your petitioner therefore is obviously debarred in the exercise of his right to select the lands decreed to him, and prays your honorable Court to order the mandate so amended as to meet his case.

Your petitioner respectfully refers to the case of Smith vs the U. States 11 Peters 334. where your honorable Court says "Should this grant be confirmed it must follow its tenor and purport, the decree must affirm it entirely not merely the quantity of land, but with the right of location according to its express terms; which gives the unlimited choice of the most valuable portions of the public lands. It would be in direct violation of those rights, which constitute the great value of the claim, which were not of the quantity of land, to make a decree that they were secured to him by the con-

of Nations, the Treaty and acts of Congress as inviolable and in the same decree to limit him in the selection of such lands in Mississippi as should have been offered at public sale, without a bid beyond the minimum price of the public lands, this would necessarily deprive him of the very spot to which he would be entitled under our decree, wheresoever he might choose to appropriate them by a lawful survey.—

Your petitioner further represents that in proceeding with the U. States & Peters &c. Your honorable court said "In conformity with the principles of justice and rules of equity, the Court is directed to receive all questions arising in the cause, and by a final decree settle and determine the validity of the title, according to the law of Nations, the stipulations of any Treaty and the proceedings under the same the several acts of Congress in relation thereto, and the law and ordinances of the Government from which it is alleged to be derived and all other questions which may properly arise between the claimants and the U. States, which decree shall in all cases, refer to the Treaty, law or ordinance under which it is confirmed or decided against.

Chas. F. Sibbald."

Now here moved the Court for an order so to amend the mandate as to meet his case. Whereupon it is now

Tuesday March 8th 1842 Continued

Ihere ordered by the Court that the consideration of the said motion be and the same is hereby postponed, and that notice thereof be given to the Attorney General of the United States.

Proclamation being made the Court is adjourned until Thursday next at one o'clock.

Thursday March 10th 1842.

Pursuant to adjournment the Court met this day at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

	Joseph Story	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Peters It is ordered that Charles L. Telford Esquire and Rufus King Esquire of the State of Ohio be admitted to practise as Attorneys and Counsellors of this Court and they are severally sworn accordingly.

Thursday March 11th 1841. Continued.

James Roach admr of Philip Roach, decd pltff in Err. vs Hamd W Mulvey —	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and Damages at the rate of six per centum per annum.

Js. M. Thos. Daniel.

John A. Gibson and Kinchen A. Martin 57 vs pltff in Err. Beverly Chew —	In Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel On Consideration whereof. It is the opinion of this

Thursday March 16th 1842 Continued

Court that the said Circuit Court had not jurisdiction in this cause and that consequently this Court has not jurisdiction but for the purpose of reversing the judgment of the said Circuit Court. Whereupon it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court.

P. V. Mr. Jus. McLean.

Martha Bradstreet Admrx. &c. vs. Wm. Griffin Ex. &c. William F. Potter, Tenant

In Error to the District Court of the United States for the Northern District of New York.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of New York and was argued by Counsel. On Consideration Whereof It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby reversed with Costs and that this cause be and the same is hereby remanded to the said District

Court for further proceedings to be had therein as to law and justice shall appertain, and in conformity to the opinion of this Court.—

Jos. McKinley.

Joshua Maurand & Others.	In Error to the Circuit
48. vs	Court of the United
Edward Bullus.	States for the District
	of Rhode Island.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Rhode Island and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of six (6) per centum per annum —

Jos. McKinley.

Thomas Ward & Claimant of	On appeal from the
Twenty pieces of Cloth.	Circuit Court of the
30. vs Officers	United States for the
The United States.	District of Maryland
	This cause came on to be

heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed.

Jos. Mr. Kin Story.

James Todd, Thomas Warren, Tristram G. Mitchell, William C. Mitchell & Woodbury Storer admrs of Israel Waterhouse. 101. vs Appl

Otis Daniell — }

On appeal from the Circuit Court of the United States for the District of Maine.

On Consideration of the motion made in this cause by Mr Davis of Counsel for the appellee on a prior day of the present term of this Court and on Saturday, the 25th ultimo, and of the argument of Counsel thereupon had, as well in support of as against the said motion. It is now here ordered and decreed by this Court that the said motion be and the same is hereby overruled, that the case remain docketed in the name of James Todd sole appellant, and that the appeal be dismissed as to Thomas Warren, Tristram G. Mitchell, William C. Mitchell & Woodbury Storer of Israel Waterhouse and at their cost

Elazer Garver &c Appts
vs.
Joseph A. Wyeth, George W. Bates
Samuel W. Bates, Wales Rich
Edwin Keith, Asa P. Keith,
Asa Copeland, Ephraim W.
Sprague and Walter Sprague

In Error to the
Circuit Court of the
United States for the
District of Massachusetts

This cause came on
to be heard on the tran-
script of the record from
the Circuit Court of the United States for the
District of Massachusetts and was argued by
Counsel - On Consideration Whereof It is now
ordered and adjudged by this Court that the judg-
ment of the said Circuit Court in this cause
be and the same is hereby affirmed with Costs.

Js. M. Ch. Jno. Taney

Proclamation being made the Court is adjourned
until Saturday morning at eleven O'Clock.

Saturday March 12th 1842.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice
John McLean
Henry Baldwin
The Hon'ble James M Wayne Associate
John Catron Justices.
John McKinley &
Peter V. Daniel

Alexander Hunter Esquire - Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

John L. Innis, Samuel F. Hepburn, Edmund F. Watkins, Leonard A. Fields, Madison Walthall, Reading S. Blount, Richardson Owen, Edmund Pendleton, James Eckford, William Covington, McKinney Helvenston, Seth Peebles, William R. Leigh Esq., William P. Fuller, Elisha H. Sharp, Richard E. Meade, William Lowndes Jr, James Jones, Ewing F. Calhoun, William Woodward, Richard H. Brown, John B. Jones, Alexander Fraser, William Lowndes Jr, William H. Humphries and Armistead Hodges, surviving partners of William

Saturday March 19th 1842 Continued.

Cockrell decd. using the name and style of Real Estate Banking Company of Columbus Mississippi

51. vs Pltff in Er

Nathaniel Smith

In Error to the District Court of the United States for the Southern District of Mississippi

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Southern District of Mississippi and was argued by Counsel on Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of Six per centum per annum. —

Pst Mr Jus: McKinley.

The Mayor and Aldermen of the City of Mobile Pltffs in Er

53. vs

William R. Gallett Esq of Joshua Kennedy

In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama

Saturday March 12th 1842 Continued

and was argued by Counsel. On Consideration Whereof. It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with Costs. — Js. M. Thos. McLean. —

The United States plffs in Error	On Error to the Circuit
56.	Court of the United States
Mary L. Ellison, admx of	for the District of Columbia
William A. Ellison, dec'd	holden in and for the
	County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to enter judgment for the plaintiffs in that Court for the sum of Twenty six hundred dollars and Seventy five cents ($2600,75) together with the Costs in that Court. —

Js. M. Thos. Daniel. —

Saturday March 12th 1842. Continued

David Prouty & John Mann	In Error to the Circuit
vs.	Court of the United States
Draper Ruggles Joel Jones	for the District of
and John C. Mason	Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and was argued by Counsel - On Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Js. M. Ch. Sup. Court.

Thomas Armstrong &c.	In Error to the Supreme
vs.	Court of the State of
The Treasurer of Athens County	Ohio.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio and was argued by Counsel - On Consideration whereof. It is now here ordered, adjudged and decreed by this Court that the judgment and decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs. - Js. M. the Circuit.

Saturday March 12th 1842. Continued.

Allen McArthur vs Chas
vs of Duncan McArthur dec'd
62. " vs Comp[t]
the Heirs of Walker Lane, dec'd

on a certificate of division
in opinion between the
Judges of the Circuit Court
of the United States for the
District of Ohio.—

This cause came on to be heard on the transcript
of the record from the Circuit Court of the United
States for the District of Ohio and on the point on a
question on which the Judges of the said Circuit Court
were opposed in opinion and which was certified to
this court for its opinion agreeably to the act of
Congress in such case made and provided and
was argued by Counsel On Consideration whereof
and it appearing to this Court upon examining the
record in this case that a material error has been
committed by the Clerk in stating the point intended
to be certified. It is therefore now here ordered and
decreed by this Court that this cause be and the
same is hereby remanded to the said Circuit Court
for such further order as the said Circuit Court may
seem right.— (Js. McCh. Ins. Comp.—

Saturday March 19th 1842. Continued.

James Todd appt
vs
Chs Hamill.

On appeal from the Circuit Court of the United States for the District of Maine.

Mr Davis of Counsel for the appellee in this cause having filed a opinion of the following suggestion of diminution of the record in this case and motion for a Certiorari in writing, to wit –

"Charles S. Davis of Counsel for said Hamill moves the Court for a Certiorari to the Judges of the Circuit Court for the District of Maine to amend the record of the proceedings in the said Circuit Court in this case by sending up further a copy of the deposition of Thomas W. Hastings taken upon answers to interrogatories by George F. Allen Esquire, the said Hastings being a witness produced and examined on behalf of the defendant the answers to be used in a certain cause wherein the said Chs Hamill was plaintiff in Equity against William G. Mitchell and others, including the present appellant, defendant." It is thereupon now here considered ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded,

Saturday. March 12th 1842.

to be issued to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever errors and errors shall be found in this cause and return the same with this writ of Certiorari forthwith to this Court.— Sr. Mc. Ch. Jno. Taney.—

The United States ppff
vs.
Charles Jenkins Jnr
_____ dft

It is now here ordered by this Court that this cause be and the same is hereby held under advisement until the next term of this Court.—

Order of Court

Ordered that printed arguments will not be received under the fortieth rule of this Court, unless filed within forty days from the Commencement of the Term, except in cases which are reached in the regular call of the Docket.—

Ordered that this rule be published in one of the papers of the City of Washington for thirty days before the next meeting of the Court.—

Saturday March 13th 1842

It is now here ordered by the Court that all the cases on the docket not decided, and all the other business of the term not disposed of by the Court, be and the same are hereby continued over to the next term of this Court.

Proclamation being made the Court is adjourned to the time and place appointed by law.—

VO

LUME

K

January Term 1843.

At the Capitol of the United States in the City of Washington and District of Columbia being the seat of the National Government of the United States on the second Monday of January (being the tenth day of the said month) in the year of our Lord one thousand eight hundred and forty three, and of the Independence of the United States the sixty seventh, the Supreme Court of the United States met agreeably to law.

Present

The Honorable	Roger B. Taney	Chief Justice
	Smith Thompson	
The Hon'ble	John McLean	Assoc. Justices
	Henry Baldwin	
	John Catron	
Alexander Hamilton Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened

On motion first made to the Court on the behalf of Mr Walker. It is ordered that John Hogan Esqr. of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Monday January 9th 1843. Continued.

On motion first made to the Court in this behalf by Mr Ward. It is ordered that John Lorimer Graham Esquire of the State of New York, be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

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On motion first made to the Court in this behalf by Mr Love. It is ordered that John Marshall Brown Esquire of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

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The Chief Justice announced to the Bar that the Court would tomorrow commence the call of the Docket under the 35th rule of the Court.-

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Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.-

Tuesday January 10th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	
	James M Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Ogden Stevens and that James Dunlap Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

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Tuesday January 10th 1843. Continued

On motion first made to the Court in this behalf by Mr Jones It is ordered that Albert Constable Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thomas Hammond's admr &c 1. vs Appts George Washington's Exrs	The argument of this cause was commenced by Mr Coxe for the Appellants, continued by Genl Jones for the appellees and concluded by Mr Coxe for the appellants

William G. Cook. Plff in Er 2. vs John F. Moffat Defdt	This cause having been called for argument and no Counsel appearing. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.—

Sally alias Sally Padgett 3. vs Plff in Er Richard B. Rowland Defdt	On motion of Mr Coxe of Counsel for the plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of

Sultan & Dept Sffs.	This cause being been
vs	called for argument and
Ephraim G Peters.	no counsel appearing.

Mr Thompson now here moved by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 38th rule of this Court. -

Joseph W. Walsh, surv.	In Error to the Circuit
William Rector, ad.	Court of the United
vs	States for the District of
The United States	Missouri

On the motion of the Attorney General of Counsel for the Defendant in Error in this cause the Plaintiff in Error having been three times solemnly called by the Marshal to come into Court and prosecute this writ of Error and failing so to do. It is therefore now here ordered, ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the District of Missouri be and the same is hereby dismissed. -

Jr. M. Lc. Thompson

Tuesday January 16th 1843 Continued

Alexander G. McNutt Governor &c. pltff in Er. vs. Richard I. Blanchard	On motion of Mr Jones of Counsel for the plaintiff in Error. It is ordered by the Court that time be and the same is hereby granted as well to the said Counsel, as to the Counsel for the defendant in Error to submit this cause to the Court on printed arguments. —
The United States appe. vs. Domingo Acosta —	This cause was submitted to the consideration of the Court on the record and a printed argument by Mr Attorney General of Counsel for the appellant. —
Nathan Hunt &c. Libellant &c. appts vs. James Foster &c. Claimt &c. of the Ship Louisville	The argument of this cause was commenced by Mr Dickens for the appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 11th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Jemich Thompson.	Special Justices.
	John McLean	
	Henry Baldwin	
	James M. Wayne	
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esquire. (Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Williamson. It is ordered that James T. Morehead, and L. W. Andrews Esquires of the State of Kentucky and H. T. Ford and C. S. Wible Esquires of the State of Indiana be admitted to practice as Attorneys and Counsellors of the Court and they were severally sworn accordingly. —

Wednesday January 11th 1843 Continued

Jonathan Trout vs Tibbetts vs Appt J. vs James Forbes vs Admr &c of the Shop Louisville	The argument of this cause was continued by Mr Love for the appellee and concluded by Mr Mullen for the appellant.
Wm T. McClary vs. Spigener &c vs. Pffs in Er. Laurence Kingsland vs	This cause was argued by Mr Dunlop for the plaintiffs in Error.
Richard B. Alexander vs Pffs in Er. Moses Graham	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. The plaintiff in Error having filed an order in writing directing the Clerk to dismiss this suit. It is therefore now here considered, ordered and adjudged by this Court that this writ of Error be and the same is hereby dismissed with Costs.

Present Mr Justice Thompson.

Wednesday January 11th 1843 Continued

James L. Dickens vol vs John T. Wilbourne admr	On motion of Mr Eaton of Counsel for the Defendant it is now here ordered by the Court that leave be and the same is hereby granted him to submit this cause on the record and a printed argument in behalf of the defendant

The Mayor &c of Mobile vs Jonathan Emanuel vol	This cause having been called for argument and no counsel appearing. It is therefore now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 33rd rule of this Court

The United States pltff in Er vs William Tims vol	The argument of this cause was commenced by Mr Attorney General for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

Thursday January 12th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Smith Thompson	
	John McLean	
	Henry Baldwin	Absent at Sessions
	James M. Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esqure. Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that Ira A. Eastman esquire of the State of New Hampshire be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Laurence B. Taylor Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday January 12th 1843. Continued.

The Attorney General who was about to commence an argument in a cause before the Court said, that before proceeding with the matter in hand he would at the suggestion of several of his brethren of the Bar & Citizens that very melancholy tidings had just reached this City, which might make it an appropriate tribute to departed worth to suspend the business of the day for the rest of the day. He had just been informed that their distinguished Brother Francis S. Key was no more.—
And therefor moved that this Court in honor of the memory of the deceased should stand adjourned till tomorrow.

Whereupon Mr. Justice Thompson replied

The Court receives this information with feelings of deep affliction, and in compliance with the application of the Bar will adjourn until tomorrow.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

Friday January 13th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Smith Thompson
	John McLean
	Henry Baldwin
	James M. Wayne
	John Catron
	Peter V. Daniel

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk -

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Legaré. It is ordered that George C Bates Esquire of the State of Michigan be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that George Nicolas Johnson Esquire of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. -

On the opening of the Court this morning Mr Legaré the Attorney General of the United States made the following remarks –

"May it please your Honors,

A Meeting of the members of the Bar and the officers of the Court, held since the adjournment yesterday, have been pleased to impose upon me the melancholy task of communicating their proceedings to the Bench, and conveying to it their sense of the loss which Society and the profession have sustained, in the death of the late Francis Scott Key. I cannot but be deeply conscious of the disadvantages under which I labor, in acquitting myself in this presence, of the duty that has been thus confided to me. My acquaintance with the excellent man, whose sudden death in the midst of a career of eminent usefulness public and private and of the most active devotion to the great interests of humanity, we are now called to deplore, was limited a very recent period extremely limited. But that as was my personal intercourse with him, it was quite long enough to endear him to me, in a peculiar manner, as one of the most gentle, guileless amiable, and attractive beings with whom in an experience sufficiently diversified, it has ever been

Friday January 13th 1843. Continued.

my good fortune to act. He dent earnest, indefatigable in the pursuit of his objects, and the performance of his duties- eloquent as the advocate of whatever cause he embraced, because his heart was true and his sympathy cordial and susceptible decided in his own conduct, without one particle of censoriousness or acerbity towards others- with the blandest manners, the most affectionate temper, the most considerate toleration of dissent, the most patient acquiescence in the decisions of authority, even where he had most strenuously exerted himself to prevent them- his life seemed to me a beautiful pattern of all that is lovely winning and effective, in the Charity of a christian Gentleman. I say effective for his was no fugitive and cloistered virtue, which gave no offence because it shunned all contest, and maintained its purity only by avoiding the contaminations of the world. He lived on the contrary, in the very midst of the passions, the struggles and the warfare of active and even public life- he was always in the heat and dust of the arena armed and equipped for conflict- he omitted no opportunity of doing good, which either chance or design afforded him, and his patriotism and his philanthropy

Friday January 13th 1843. Continued

ried with each other in turning to account every moment of his time which was not engrossed in the cares of his fireside or the business of his profession. I remember with melancholy pleasure that the very last conversation which I held with him, turned upon a project of what he believed to be the most extensive usefulness, which had warmed his heart with enthusiastic hopes for his County and for Mankind. —

Of the manner in which he discharged his professional duties, your Honors are on every account, the most competent Judges. You know his fidelity to his engagements, his punctuality in attendance at his post. how laborious he was in the preparation of his cases. how full of resources in the management of a cause. how ready, how fertile, how ingenious in the invention and disposition of his topics. Your Honors are therefore fully prepared to receive and to confirm the testimony which his Brethren of the Bar have been eager to bear, to the virtues and abilities that adorned him, and which in compliance with their request I have now the Honor of submitting to you."—

Friday January 13th 1843. Continued

"At a meeting of members of the Bar and officers of the Court, convened in the Room of the Supreme Court, in the Capitol, on Thursday the 12th day of January 1843. Hon'ble John M'Pherson Berrien of the Senate of the United States was appointed Chairman and Richard S. Coxe, Secretary.

Gen'l Walter Jones, submitted the following preamble and Resolutions, which were unanimously adopted.

"This meeting has received with deep affliction, news of the death of Francis S. Key, the ornament of his profession and of human nature. His loss is felt by each individual of this meeting as that of a near, admired and beloved friend. They feel that it is the general loss, the common grief of the Community, not any peculiar grief of attached and deplored friends. Himself the active and enlightened and self sacrificing friend of man, by man was he beloved, by man is his death deplored. The fresh emotions caused by his sudden death leave no room for eulogy; his eulogy is deeply spoken in those emotions, and lives in every heart. This meeting therefore confines itself to such demonstrations of respect

to his memory as are most immediately demanded by the character of the deceased and the general regret which his death has occasioned

Therefore Resolved, that we wear the usual badges of mourning for the space of thirty days— that

The Hon'ble R. J. Walker.
Chas. J. Ingersoll
Asbury Ward,
" Lewis L. Rowell
P. R. Fendall Esqr
Jno. H. Bradley
Wm. Thos. Carroll " and
Gen'l Alexander Hunter, be appointed a Committee to go to Baltimore and attend on behalf of this meeting the funeral of the deceased—

Resolved, that Wm. Segar, the Attorney General of the United States, communicate these proceedings to the Supreme Court, and respectfully request, in the name of this Meeting that they may be entered among its records.

Resolved, that the Chairman and Secretary also transmit a Copy to the family of the deceased and assure them of our sincere condo-

Friday January 13th 1843 Continued -

on account of the great loss they have sustained".

To which Mr Justice Thompson made the following reply -

The information communicated by the Bar of the sudden and unexpected death of Mr Key was received by the Court with feelings of the most sincere regret -

The suddenness of this afflictive event, is calculated to make a deep impression upon all. His intimate intercourse with the Bar, and his near connexion with one of the Court, brings this dispensation nearer home to us all accompanied with solemn admonition "be ye also ready". We feel very sensibly the loss which the Bench as well as the Bar, has sustained in this event. We have been so long accustomed to see him at the Bar, that his absence will leave a painful void. And the loss of the pleasure and melancholy with which we have listened to his arguments will be most sensibly felt. Mr Key's talents were of a very high order. His mind was well stored with legal learning and his literary taste and attainments were highly distinguished and adorned. There was a private character which holds out to the Bar a bright example for imitation. The loss

Friday January 15th 1841. Continued

of such a man cannot but be sincerely applauded.

In Compliance with the request of the Bar their proceedings will be entered upon the minutes of the Court.—

The United States Plff in Er vs William Irwin Def't— _____	The argument of this cause was continued by Mr Attorney General for the Plaintiff in Error, by Mr Coxe for the defendant in Error and concluded by Mr Attorney General for the Plaintiff in Error.
The Mayor &c of Mobile vs Jonathan Emanuel & al— _____	On motion of Mr Sergeant of Counsel for the defendants in Error It is now here considered and ordered by this Court that the mandate of this Court of the 11th instant in this Cause be and the same is hereby rescinded and annulled.—

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Saturday January 14th 1843.

Pursuant to adjournment the Court met this Morning at the Capitol

Present

The Honorable	Smith Thompson	
	John McLean	
	Henry Baldwin	Associate Justices.
	James M. Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Peles. It was ordered that W H Washington Esq. of the Bar of North Carolina be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that B. A. Bralack Esq. of the Bar of Pennsylvania be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Saturday January 14th 1843. Continued

The United States appt vs Domingo Acosta —	On appeal from the Superior Court for the District of East Florida —

This cause came on to be heard on the transcript of the record from the Superior Court for the District of East Florida and was argued by Counsel. On Consideration whereof It is now here ordered adjudged and decreed by this Court that the decree of the said Superior Court in this cause be and the same is hereby affirmed in all respects — Jr. M. Thos Catron

Lessee of David Skinner pltf vs Mary Lynn Def —	This cause having been called for argument and no counsel appearing. It is thereupon now here ordered by the Court that this cause be and the same is hereby

post-poned to the foot of the docket under the 36th rule of this Court. —

John Buchanan Def appt vs Edwin Upshaw —	The argument of this cause was Commenced by Mr Leonard for the appt.

Proclamation being made the Court is adjourned until

Monday January 16th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Smith Thompson	Associate Justices
	John McLean	
	Henry Baldwin	
	James M. Wayne	
	John Catron	
	Peter V Daniel	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Lord It is ordered that John W. Dwight Esqre of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. –

John Buchanan vs. Deft in Err	the argument of this Cause was continued by Gov. Morehead and Mr Coxe
24. " "	for the Deft in Error by Mr Stanbery for the Deft in Err.
Enoch Upshaw	

Proclamation being made the Court is adjourned until

Tuesday January 17th 1843. —

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Smith Thompson	
"	John McLean	
	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The Buchanan val. Upshaw	The argument of this Cause
34 "	was concluded by Mr Slam
Edwin Upshaw —	berg for the Appellants —

Heirs of John Mercer v Wise	The argument of this Cause was
16. " Pltff in Er.	commenced by Mr Whipple for the
Wilson Cary Selden	Plaintiff in Error & continued by
	Mr Cothran for the Deft in Error. —

Proclamation being made the Court is adjourned until

Wednesday January 18th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Smith Thompson
John McLean
Henry Baldwin
James M Wayne
John Catron
Peter V Daniel
} Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Lepee of John Mercer & Wife vs Wilson Cary Selden	The argument of this cause was continued by Mr Chapman Johnson for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 19th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Smith Thompson
John McLean
Henry Baldwin Associate Justices
James M. Wayne
John Catron
Peter V. Daniel
Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

(Proclamation being made the Court is opened

On Motion first made to the Court on this behalf by Mr. Peles. It is ordered that John M. Read Esq. of the State of Pennsylvania be admitted to practise as an Attorney and Counsellor of this Court and he was known accordingly.

Lessee of John Mercer &c Plffs	The argument of this cause
vs.	was continued by Mr. Johnson
Wilson Craig Delan —	for the defendant in Error.

(Proclamation being made the Court is adjourned until

Friday January 20th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
John Catron
Peter V. Daniel
} Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Crittenden. It is ordered that George Armstrong Esquire of the State of Kentucky be admitted to practice as an Attorney & Counsellor of this Court and he was sworn accordingly.—

Lessee of John Mercer & wife	The argument of this Cause
15 vs pltff in Er	was continued by Saml Jones
Wilson Cary Selden	for the plaintiff in Error.

Proclamation being made the Court is adjourned until

Saturday January 21st 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
John Catron
Peter V. Daniel
} Associate Justices

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Lord. It is ordered that Robert H Morris Esquire of the State of New York be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.—

John Murphy & John Farrington admrs of Wm Matheson, dec'd	In Error to the Circuit
vs.	Court of the United
Joseph Hoffman	States for the Southern
Angus Stewart admr of Alex Grant, dec'd	District of Alabama

Saturday January 21st 1843. Continued

for the plaintiffs in Error having filed and read in open Court the following Suggestions of diminution of the record in this case, in this Court, "in the absence of a copy of the promissory note with the endorsements written upon it, And also the due bill referred to in the declaration and which were given in evidence upon the trial in the Court below and are now on file in the office of the Clerk of the Court below. And also for a clerical error in the record as to the time when the trial was had before the Court below, when the said Court was held by the Honorable William Crawford the District Judge in the absence of the Honble John McKinley one of the Justices of this Court.

By reason of which omissions and errors aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found. On Consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded

Saturday January 21st 1843. Continued.

to be sped forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. –

The United States –	In Error to the Circuit
vs.	Court of the United States
Jeffries &	for the Eastern District of
James Reside –	Pennsylvania

Mr Cox of Counsel for the defendant in Error having filed and read in open Court the following writ of Error, viz –

"United States

Eastern District of Pennsylvania } Set

Seal

The President of the United States to the Judges of the Circuit Court of the United States in and for the Eastern District of Pennsylvania – Greeting!

Because that in the record and process and also in the rendering judgment in a suit before you, between The United States of America Plaintiffs and James Reside defendant in a plea of trespass on the case &c a manifest error

Saturday - January 21st 1843 Continued

has intervened to the great damage of the said United States of America as in their Complaint has been stated. and as it is just and proper that the error if any there be, should be corrected in due manner and that full and speedy justice should be done to the parties aforesaid in this behalf.

You are hereby commanded that if judgment thereof be given, then under your seal, you do distinctly and openly send the record and process in the suit aforesaid with all things concerning them and this writ; so that you have the same before the Chief Justice and the associate Justices of the Supreme Court of the United States on the second Monday in January next at the City of Washington being the seat of National Government that the record and process aforesaid being inspected, they may cause to be done thereupon, what of right ought to be done. — Witness the Honorable Roger B. Taney Chief Justice of the Supreme Court of the United States, at Philadelphia, this first day of August A.D. one thousand eight hundred and forty two and in the fifty seventh year of the Independence of the said United States.

Test. Hopkinson Clk by C.

Allowed by — Arch.d Randall. —

Saturday January 21st 1843. Continued

United States
Eastern District of Pennsylvania } Set.

I Certify that the foregoing is a true and faithful Copy of the writ of Error in the Case of the United States of America as the same now remains filed in my Office and that the said writ of Error has been duly issued Valleris

In Testimony whereof, I have hereunto subscribed my name and affixed the seal of the said Court at Philadelphia this thirteenth day of January A.D. 1843 and in the sixty seventh year of the Independence of the said United States.

For Isaac Hopkinson Clerk Eastern Dist of Pa
S. Burchard"

And having stated that the plaintiffs in Error had altogether failed to file the record of said Cause in this Court, or in any way to prosecute said writ of Error now here moved the Court, in pursuance of the 43d rule of this Court to have this writ of Error docketed and dismissed with Costs whereupon consideration whereof, It is now here ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the Eastern District of Pennsylvania be and the same is hereby docketed

Saturday January 21st 1843. Continued

and dismissed, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding - Jno. Wms. Thompson. —

Samuel T. Butterworth pltff in Er. vs. Albert O. Parmelee, Gustavus A. Kilburn & Charles W. A. Rogers, partners in trade under the firm name & style of Parmelee, Kilburn & Rogers. -	In Error to the District Court of the United States for the Northern District of Mississippi.

Mr. Coxe of Counsel for the defendants in Error having filed and read in open court the following writ of Error, to wit

"The United States of America -

The President of the United States -

To the Judge of the District Court of the United States for the Northern District of Mississippi -

Greeting: —

Because in the record and proceedings, as also in the rendition of the judgment of a plea, which is in the said District Court before you, between Albert O. Parmelee, Gustavus A. Kilburn and Charles W. A. Rogers, partners in trade under

Saturday January 21st 1843. Continued

the firm name and style of Parmelee Milburn and Rogers plaintiffs and Samuel F. Butterworth defendant a manifest error hath happened to the great damage of the said Samuel F. Butterworth as by his Complaint appears. We being willing that error, if any, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf do command you that if judgment be thereon given, that then under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday of January next in the said Supreme Court, there and then held, that the record and proceedings aforesaid being inspected, the said Supreme Court may cause to be done thereon to correct that error what of right and according to law and custom of the United States should be done.

Witness the Honorable Roger B Taney Chief Justice of said Supreme Court, the second Monday of January one thousand eight hundred and forty one and of the Independence of the United

Seal

Saturday January 21st 1843 Continued

States the 65th.- Issued the 10th day of June A.D. 1841.—

G. M. Ragsdale, Clerk

of the U.S. Dist Court Dist of Mississippi.—

And having stated that the plaintiff in Error had altogether failed to file the record of said Case in this Court, or in any way to prosecute said writ of Error. Now here moved the Court in pursuance of the 43d rule of this Court to have this writ of Error docketed and dismissed. On Consideration whereof, It is now here ordered and adjudged by this Court that this writ of Error to the District Court of the United States for the Northern District of Mississippi be and the same is hereby docketed and dismissed with costs. And that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding.—

Jos. W. Jas: Thompson

Saturday January 21st 1843. Continued

Thomas Amis pff in Er.	In Error to the Dis-
106. "	trict Court of the
Albert O. Parmelee, Gustavus	United States for
A. Kilburn & Chas W. A. Rogers	the Southern Dis-
partners in trade under the	trict of Mississ-
firm name and Style of	ippi. —
Parmelee, Kilburn & Rogers —	

Mr Coxe of Counsel for the defendants in Error having filed and read, in open Court, the following writ of Error to wit. —

"The United States of America
The President of the United States
To the Judge of the District Court of the United States for the Southern District of Mississippi
Greeting:

"Because in the records and proceedings as also in the rendition of the judgment of a plea which is in the said District Court before you between Albert O Parmelee, Gustavus A. Kilburn and Charles W. A. Rogers, partners in trade under the firm name and style of Parmelee, Kilburn and Rogers plaintiffs and Thomas Amis is defendant, a manifest Error hath happened to the great damage of the said

Thomas Innis as by his Complaint appears. We being willing that error, if any, should be duly corrected and full and speedy justice done to the parties aforesaid in their behalf Do Command you that if judgment be therein given, that then under your Seal distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States together with this writ, so that you have the same at Washington on the Second Monday of January next in the said Supreme Court there and there held, that the record and proceedings aforesaid being inspected the said Supreme Court may cause further to be done therein to correct that error what of right and according to law and custom of the United States should be done. — Witness the Hon: Roger B. Taney Chief Justice of said Court, the Second Monday of January in the year of our Lord One Thousand Eight Hundred and forty, and of the Independence of the United States the 64th. Issued this 22d day of December A. D. 1840.

Seal

G. M. Ragsdale Clerk
of the U. S. Dist. Court N. Dist. of Mississippi."

Saturday January 21st 1843. Continued.

Indorsed on the back thus: "Filed in My Office 22d day of Sept 1841. G. M. Rapsdale Clerk" And having stated that the plaintiff in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of Error now here moved the Court in pursuance of the 43d rule of this Court to have this writ of Error dockeled and dismissed. On Consideration Whereof, it is now here ordered and adjudged by this Court that this writ of error to the District Court of the United States for the Northern District of Mississippi be and the same is hereby dockeled and dismissed with Costs, and that this cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding —

Thos. M. Ins. Thompson.

Lepsu of John Mercer & wife vs. Wm Griffin & Wilson Cary Selden	The argument of this Cause was concluded by Genl Jones for the Plaintiff in Error.

Saturday January 21st 1843. Continued

Ex parte: In the matter of Charles L. Sibbald

2 " "

The United States —

On motion of Mr. Peters of Counsel for Mr. Sibbald. It is now here ordered by the Court that this case be and the same is hereby postponed to next Saturday the 28th instant —

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock. —

Monday January 23d 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

George W. Hammond, admr de bonis non of Thos Hammond deceased	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria
vs	
Lorenzo Lewis Exr of Samuel Lewis deceased who was the acting Exr of Genl George Washington	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the

Monday January 23rd 1843 Continued.

District of Columbia holden in and for the County of Alexandria and was argued by Counsel On Consideration Whereof, It is now here ordered and adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with Cost, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein conformably to the opinion of this Court. — Per Mr. Chs. Daniel —

Arthur Bronson Compt.
vs.
John H. Kinzie et al

This cause was submitted to the Consideration of the Court on the record and printed argument by Mr. Arnold of Counsel for the Complainant.

The Mayor &c of Mobile —
vs.
Jonathan Emanuel et al

Pltff in Er

The argument of this cause was Commenced by Mr Fist for the plaintiffs in Error, continued by Mr Sergeant for the defendants in Error, and concluded by Mr Fist for the plaintiffs in Error.

Monday January 23d 1843. Continued.

Thomas Morris Appt vs. Hannah Sayre et al	the argument of this Cause was Commenced by Mr Morris for the Appellant.

Proclamation being made the Court adjourned until tomorrow morning at eleven O'clock

Tuesday January 24th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

The Hon. Smith Thompson, John McLean, Henry Baldwin, James M. Wayne, John Catron, Peter V. Daniel — Associate Justices

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Thomas Morris Appt
20 "
Maria Nixon, Sole legatee & devisee & the said Maria Nixon & Henry J. Williams Exors of Henry Nixon, and & Henry Morris, Henry J. Williams and Thomas Biddle —

On appeal from the Circuit Court of the United States for the for the Eastern District of Pennsylvania —

Mr Wood of counsel for the appellant having suggested to the Court the death of Henry Morris

one of the appellees since the last continuance of this Cause and filed the agreement of Counsel as well for the appellees as the appellant, that this Cause should be revived in the name of the legal heirs and representatives of the said Henry Morris, now here moves the Court that the appearance of Mary Husband, Amelia M. Robert, William P., Charlotte E., and Henry Morris Children and heirs at law of said Henry Morris of Thomas H. White as Guardian of said Amelia M. Robert. William P. Charlotte E. & Henry who are minors and Cornelius Stevenson, and Samuel L. Clements administrators of said Henry Morris be entered as appellees in this Cause, to which the Counsel for the appellees assented; whereupon it is now here considered and ordered by this Court that the appearance of the aforesaid heirs and representatives be entered as appellees and that they be and hereby are made Co appellees in this Cause ..

Tuesday January 24th 1843. Continued.

Thomas Morris Appt vs Maria Arijon Adl	The argument of this cause was continued by Mr Wood for the appellant and by Mr Williams for the appellee.

Proclamation being made the Court is adjourned until to morrow morning at eleven Oclock.

Wednesday January 25th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Hon: Roger B. Taney Chief Justice
Smith Thompson
John McLean
Henry Baldwin
James M. Wayne
John Catron
Peter V. Daniel
Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Order of Court

Ordered by the Court that in obedience to the act of Congress approved August 16th 1842 the following assignment of Circuits is made among the Justices of the said Court.

For the fourth Circuit Roger B Taney Chief Justice
For the fifth Circuit & the District Henry Baldwin Associate Justice
For the Sixth Circuit James M Wayne Associate Justice
For the Tenth Circuit Peter V Daniel Associate Justice

Thomas Morris Appl vs Maria Tryon Resp	The argument of this Cause was Continued by Mr Williams & Sergeant for the appellant

Proclamation being made the Court is adjourned until tomorrow Morning at eleven oclock.

Thursday January 25. 1843.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable Roger B. Taney Chief Justice
Smith Thompson
John McLean
The Hon'ble Henry Baldwin Associate Justices.
James M. Wayne
John Catron
Peter V Daniel
Alexander Hunter Esquire Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that R. L. Caruthers and Milton Brown Esquires of the State of Tennessee be admitted to practice as Attorneys and Counsellors of this Court and be sworn accordingly. —

Thursday January 25th 1843 Continued.

The United States Plff in Er vs. William Linn, Lard B. Waterman, Samuel Lee, James M. Duncan, William Wallis, Asahel Lee, William L. & Ewing, Alexander P. Field and Joseph Duncan	In Error to the Circuit Court of the United States for the District of Illinois. — This Cause came on to be heard on the transcript of the record

from the Circuit Court of the United States for the District of Illinois and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this Cause be and the same is hereby reversed and that this Cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein conformably to the opinion of this Court. — Mr. Justice Thompson —

Thomas Morris - Appt. vs. Maria Nixon et al	The argument of this Cause was continued by Mr. Sigourney for the Appellees —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Friday January 27th 1843.

Pursuant to adjournment the Court met this morning at the Capitole.

Present.

The Honorable	Roger B. Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

Appointment of Reporter.

In pursuance of an Act of Congress approved August 26th 1842, the Court proceed to appoint a Reporter, and order that Benjamin C Howard be and he is hereby appointed Reporter to the Supreme Court of the United States.

Friday January 27th 1843 Continued.

Thomas Morris Appt	The argument of this cause
vs	was concluded by Mr
Maria Lyon Exr	Ward for the appellant

Alex Lloyd Griffin Exr	The argument of this cause
vs	was commenced by Mr
George L. Vaught —	Semmes for the plaintiff
	in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Saturday January 28th 1843.

pursuant to adjournment the Court met this morning at the Capitol -

Present

The Hon'ble Roger B. Taney Chief Justice.

	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Jonathan Trumbull, A. W. H. Clapp & Myer & Stolle Libellants & Appellees	On appeal from the Circuit Court of the United States for the Eastern District of Louisiana.
James Foster, James Foster Jr. Amos Palmer, & Alexander S. Palmer Claimants & Owners of the Ship Louisville.	This cause came on to be heard on the transcript of the record from the Circuit Court of the United

State for the Eastern District of Louisiana and was argued by Counsel. On Consideration whereof. It is now ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. (Present Mr Justice Thompson

Chas Lloyd - Pltff in Er.	The argument of this
25	cause was continued
Geo. S. Gough —	by Mr Semmes for the
	Plaintiff in Error, by

Mr. Taylor for the defendant in Error and concluded by Mr Semmes for the Plaintiff in Error.—

Proclamation being made the Court adjourned until Monday Morning at eleven Oclock.—

Monday January 30th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble Roger B. Taney Chief Justice

	Smith Thompson	
	John McLean	
The Honble	Henry Baldwin	Associate
	James M Wayne	Justices
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sargeant It is ordered that William Rinney Esquire of the State of Virginia and P. F. Smith Esquire of Florida be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

Monday January 30th 1843. Continued.

Francois J. Vidal et al.	The argument of this
27. vs Appts	cause was commenced
The Mayor &c of Philadelphia	by Mr Stump for the
& Stephen Girard & ors	appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Tuesday January 31st 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Fish It is ordered that A. P. Bagby Esquire of the State of Alabama be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Tuesday January 31st 1843 Continued.

Francis & Vidal v. & al vs The Mayor &c of Philadelphia & Stephen Girard & al.	The argument of the cause was continued by Mr Sergeant for the appellees. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock. —

Wednesday February 1st 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened—

Benjamin C. Howard Esquire being appointed Reporter of the decisions of the Supreme Court of the United States under the act of Congress of 25th of August 1842, took in open Court the following oaths of Office— "I do solemnly swear that I will faithfully and impartially discharge and perform all the duties of my said Office according to the best of my abilities and understanding, and that I will support the Constitution of the United States so help me God" and thereupon

Wednesday February 1st 1843. Continued.

Francois F. Vidal Val vs The Mayor &c of Philadelphia & Stephen Girard Exors.	The argument of this cause was concluded by Mr. Jones for the Appellants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Thursday February 2d 1843.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	
Alexander Hunter	Esquire	Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court was opened.

The Mayor & Aldermen of the City of Mobile — Pltffs in Er.	In Error to the Supreme Court of the State of Alabama —
18.	
Jonathan Emanuel, use Gage & Gains. —	This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama, and was argued by Counsel. On Consideration whereof it is now here ordered

Thursday February 2nd 1843. Continued.

are adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with Costs. —

Pr. Mr. Jus. McLean.

Mr. Jus. Catron dissenting. —

John, Andrew & Samuel Buchanan & John McWilliams & Jn. Cameron, Lard Wood, John, Lard Kemp Samuel & Jacob Fisher —	On appeal from the Circuit Court of the United States for the District of Ohio. —
24 Pr. Appls.	
Edwin Upshaw — ,	This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and was argued by Counsel. On Consideration whereof It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein conformably to the opinion and decree of this Court. —

Pr. Mr. Jus. Catron. —

Mr. Ch. Justice Taney did not sit in this Cau.

Thursday February 2d 1843. Continued.

Robt Patterson. 38. vs Appt Merriweather & Chisholm	the argument of this Cause was Commenced by Mr. Harlan for the appellant.

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock.

Friday February 3d 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Court	Henry Baldwin	Associate
	James M. Wayne	Justices –
	John Catron &	
	Peter V. Daniel	

Proclamation being made the Court is opened.

Edwin Upshaw Appt	On appeal from the
vs.	Circuit Court of the
John Anan & Samuel Buchanan	United States for the
John McWilliams, John Camaver	District of Ohio.
David Wood, John Land, Henry &	
Daniel Fisher –	This cause came on

to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio and on the Corp appeal by Edwin Upshaw and was argued by Counsel. On Consideration whereof

Friday February 3rd 1843 Continued.

It is now here adjudged and decreed by this Court that the said appeal of Ewen Upshaw be and the same is hereby dismissed with Costs.

Pr. Mr. Jno. Thompson -

Pr. Ch. Justice Taney Decd.

Robert Porterfield —	The argument of this
28. vs. Appt	Cause was Continued
Mercantile Bank Va.	by Govr. Martin for the
	appellant and by Mr.
	Crittenden for the appellee

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock

Saturday February 4th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Smith Thompson	
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf of Mr Attorney General. It is ordered that L. Levy and Samuel L. Burrill Esquires of the Territory of Florida be admitted to practise as Attorneys and Counsellors of this Court and they are severally sworn accordingly.—

Saturday February 4th 1843. Continued.—

Robt Porterfield Appt 28. B Merriweather & Clarke adt	The argument of this Cause was continued by Mr Chapman Johnson for the appellant.—

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.—

Monday February 5th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	Peter V. Daniel.	
Stephen	Cutler Eugene	Marshal
William	Thomas Carroll	Clerk.

Proclamation being made the Court is opened.

John McLaughlin Jeffries	Mr. Meredith of Counsel
61. vs	for the plaintiff in
Laurent Millaudon Val	Error in this cause,

now here moved the Court to direct that the several French and Spanish documents contained in the record in this cause be translated by a person translator or translators, and printed as a supplement to the record under the direction of the Clerk of this Court. Whereupon that Court not being now here sufficiently advised of and concerning

Monday February 6th 1843 Continued.—

what order to make on the premises took time to consider.—

Ex parte of John Pollard vs. 30. vs. Jeffries Joseph T. Yiles —	Mr Tait of Counsel for the Plaintiff in Error in this cause now here moved

the Court to direct that the Spanish Documents contained in the record in this Cause be translated by a person translator & translations and printed as a supplement to the Record, under the direction of the Clerk of this Court. Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth time to consider.—

Ex parte of John Mercer and Mary Scott his wife 15. vs. Wilson Cary Selden —	In Error to the Circuit Court of the United States for the Eastern District of Virginia

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and was argued by Counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of

Monday February 5th 1843 Continued.

the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Pr. Mr. Jas. McLean.

Mr. Ch. Jus. Taney did not sit in this cause.

Robert Patterson appt 28. vs Hermanthus L. Clatterval	The argument of this cause was concluded by Mr. Chapman Johnson for the appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday February 7th 1843

Pursuant to adjournment the Court met this morning at the Capitol –

Present

The Honorable	Roger B. Taney	Chief Justice
The Honble	John McLean	Associate Justices
	Henry Baldwin	
	James M. Wayne	
	John Catron	
	Peter V. Daniel	
	Alexander Hunter Esquire	Marshal.
	William Thomas Carroll	Clerk –

Proclamation being made the Court is opened

On Motion first made to the Court in this behalf by Mr Waight. It is ordered that B W. Bonney and Mr Coventry H. Waddell Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally accordingly.

William S. M'Clung, John C. Parry, & Enoch S. Hagly Partners doing business under the firm of M'Clung, Parry & Hagly Assignees of James Harlan	In Error to the Circuit Court of the United States for the Western District of Pennsylvania
12. vs.	
Laurence Ringland, Silas Lightle & James Cuddy Partners doing business under the firm of Ringland, Lightle & Cuddy.	This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Western District of Pennsylvania and was argued by Counsel — On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — (per M. Jus. Baldwin- M. Jus. Thompson dis. in this Cause & concurred. —

Tuesday February 7th 1843 Continued -

William Nelson a petitioner in Bankruptcy pp Daniel Garland - an opposing Creditor.	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion, and was argued by Counsel On Consideration whereof, It is now here ordered and adjudged by this Court that this cause be and the same is hereby remanded for the want of jurisdiction, and that this cause be and the same is hereby remanded to the said Circuit Court for such proceedings to be had therein as to law and justice may appertain.

(pr Mr Ch Jus Taney -

Mr Jus Catron, dissenting -

Mr Jus Thompson sat in this cause & Concurred.

Tuesday February 7th 1843 Continued.

Joel Collins a Petitioner in Bankruptcy 73 vs James Bligh. an opposing Creditor.	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion and was argued by Counsel, On Consideration whereof, It is now here ordered and adjudged by this Court that this Cause be and the same is hereby dismissed for the want of jurisdiction, and that this Cause be and the same is remanded to the said Circuit Court for such proceedings to be had therein as to law and justice may appertain. — Ch. Jus: Taney

Mr. Jus: Catron, Dissenting.

Mr. Jus: Thompson not in this Cause and Concurred.

Tuesday February 7th 1843 Continued –

Charles W. Castleman
vs.
a petitioner in Bankruptcy

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky. –

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion and was argued by Counsel – On Consideration Whereof, It is now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction, and that this cause be and the same is hereby remanded to the said Circuit Court for such proceedings to be had therein as to law and justice may appertain –

(Present Mr Ch. Taney
(Mr Justices Catron dissenting)
Mr Justice Thompson not on the Bench and concurred –

John McKnight pltff in Er. vs Samuel Millandon def in Er.	On Consideration of the motion made in this Cause yesterday by Mr Meredith of Counsel for the pltff in Error. It is now here ordered by the Court that the several French and Spanish documents contained in the record in this cause be translated by a sworn Translator or Translators at the Cost of the pltff in Error, and printed as a supplement to the record, under the direction of the Clerk of this Court.-

Heirs of John Pollard def in Er. vs Joseph F. Files —	On Consideration of the motion made in this Cause yesterday by Mr Lee of Counsel for the pltff in Error. It is now here ordered by the Court that the several Spanish documents Contained in the record in this Cause be translated by a sworn Translator at the Cost of the pltff in Error, and printed as a supplement to the record, under the direction of the Clerk of this Court.-

Tuesday February 7th 1843 Continued

James L. C. Bell vs.	The argument of the cause
Jeffries	was commenced by
Matthias Brien	Mr. Lord for the plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday February 8th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened

Samuel Pick-ett in Er		In Error to the Court
112.	vs	for the Trial of Impeach-
Mary Young		ments and Correction of
		Errors of the State of New York.

The Counsel for the Plaintiff in Error having filed a Statement in writing setting forth that the matters in controversy in this Case had been agreed and settled between the parties. It is thereupon now here considered and adjudged by this Court that this writ of Error be and the same is hereby dismissed at the Costs of the Plaintiff in Error

Wednesday February 8th 1843 Continued

James L. C. Bell vs C.	The argument of this cause
J. Jeffers &	was continued by Mr Chase
Matthias Bruen.	for the Defendant in error

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Thursday January 9th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices -
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Genl Ware. It is ordered that Henry D. Murphy Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Thursday February 9th 1843 Continued.

James L. Bell vs.	The argument of this cause
29. " Jefferson	was concluded by Mr
Matthias Brown	Sergeant for the Plaintiff
	in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday February 10th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Thomas E. Ellis val. pff in	The argument of this
30.	Cause was Commenced
Thomas Jones admr of	by Mr Rowry Johnson
M L Taylor dec'd	for the plaintiffs in Error,
	Continued by Gen'l Jones
	for the defendant in Error and concluded by Mr Johnson
	for the plaintiffs in Error.

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock.

Saturday February 11th 1843.

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B. Taney	Chief Justice
	Henry Baldwin	Associate
The Honble	James M. Wayne	Justices
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk

Proclamation being made the Court was opened

On Motion first made to the Court on this behalf by Mr Wright. It was ordered that S. W. Hamersley Esqre of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Saturday February 11th 1843. Continued.

On motion first made to the Court in this behalf by Mr Sergeant. It is ordered that Constant Guillon Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Isaac S Bowman vs
31 ⁊ appts
A Walker and the City of Jeffersonville.—

The argument of this cause was commenced by Mr Crittenden for the appellants, and continued by Messrs Berrien & Legaré for the appellees.—

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.—

Monday February 13th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Isaac S. Bowman vs	The argument of this
31 D. Appt	cause was continued by
A. Walker vs	Mr Legaré for the appellee
	and concluded by Mr
	Just for the appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday February 14th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

The Hon'ble | John McLean | Henry Baldwin | James M. Wayne | John Catron | Peter V. Daniel | Associate Justices.

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

John Lloyd - Plff in Er vs. Geo. S. Gough —	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel. On consideration whereof. It is now here

Tuesday February 14th 1843. Continued.

	ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.
Charles McKnight Appt 26. " Laurence B. Taylor, Trustee	On motion of Genl Lewis of Counsel for the appellant. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket
The United States for the Pl. " Barclay & Livingston Claimts of 123 packages of Glass	Mr Attorney General in behalf of the plaintiff in Error moved the Court to take up this cause out of its regular order on the docket and to set it down for argument on a certain day of the present term. Whereupon, a Motion whereof, it is now here ordered by this Court that the said motion be and the same is hereby overruled.

Tuesday February 14th 1843. Continued

Mary Ann Connor 33 vs Jeffries Henry Bradley & wife	The argument of this cause was commenced by Mr Brent for the plaintiff in Error, continued by Mr Bradley for the defendants in Error, and by Mr R. J. Brent for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 18th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court was opened

Elizabeth K Cartwright	In Error to the
33.	Court of the United States
Alexander T. Howe Jonge	for the District of Colum
T. Richards & William Richards	bia holden in and for the
	County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and it having been stated to the Court by Mr Bradley of Counsel for

Wednesday February 15th 1843 Continued

the defendants in Error that the matters in Controversy had been agreed and settled between the parties, & which Mr R. S Brent of Counsel for the plaintiff in Error assented. It is therefore now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed with Costs — Pr. Mr Ch: Jus: Taney. —

Charles McKnight appt 25. Laurence B. Taylor Trustee	On motion of Mr. Bradley of Counsel for the Defendant in Error. It is now here Ordered by the Court that the order of Yesterday entered in this Cause be and the same is hereby stricken out and that this Cause be and the same is hereby reinstated with the understanding that it shall be argued immediately after No 32.
Mary Ann Connor Appellee 32. Henry Bradley & wife —	The argument of this Cause was Concluded by Mr R. S Brent for the Plaintiff in Error. —

Wednesday February 15th 1843. Continued

Charles M'Knight Appt vs. Laurence B. Taylor Insolvent	The argument of this cause was commenced by Mr Semmes for the appellant, continued by Mr Bradley for the appellee and concluded by Genl Innis for the appellant

Lessee of John Pollock Jun vs. this Appeal Joseph T. Tiles	It is now here ordered by the Court that the Clerk permit the transcript of the record on file in this cause to be taken out of the Office by the translator under the order of the 7th inst and that the same be returned by him to the Office within a reasonable time.

John M'Donogh Appt vs. Laurent Millaudon Jun	It is now here ordered by the Court that the Clerk permit the transcript of the record on file in this cause to be taken out of the Office by the translator under the order of the 7th inst and that the same be returned by him to the Office within a reasonable time.

Proclamation being made the Court was adjourned

Thursday January 11th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
the Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	Thos. Catron	
	Peter V. Daniel	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court opened.

Lipsey of Sarah S Sewell vs C.	The argument of this
34. to 35 in Er	Cause was commenced
Benjamin Sewell vs C	by Mr Coxe for the Plain-
	tiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

Friday February 17th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Lessee of Sarah J Sewell &c	The argument of this
34 vs Plff in Er.	Cause was continued
Benjamin Sewell &c	by Mr Hunt for the
	Defendants in Error

Proclamation being made the Court adjourned until tomorrow morning at eleven Oclock.

Saturday January 18th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	Peter V. Daniel	
	Alexander Hunter Esqre	Marshal
	William Thomas Carroll	Clerk.

Proclamation being made the Court is opened.-

Walter Smith, John Carter, William T. Nicholls vs Thos Jarvis of Clement Smith dec.	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.
Ac. & Ppffs in Er	
Demurrer Entered —	

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On Consideration whereof

It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs, and that this cause be and the same is hereby remanded to the said Circuit with directions to award a venire facias de novo.

Jos. Mr. Ch. Jus. Taney

Lessee of John Pollard &al vs. In Affirmation Joseph Y. Files	Mr Sergeant of Counsel for the defendant in Error moves the Court to continue this cause

to the next term of this Court, which was opposed by Mr Hart of Counsel for the plaintiff in Error. Whereupon it is now here considered and ordered by this Court that this cause be and the same hereby continued to the next term of this Court.

William I. Minor & wife vs. In Affirmation Ithiel Tillotson	Mr Webster of Counsel for the defendant in Error moved the Court to dismiss this writ of

Error for the want of jurisdiction, which was opposed by Mr Walker of Counsel for the plaintiff in Error. Whereupon it is now here ordered by the

Saturday January 8th 1842 Continued.

Court that the said Counsel for the defendant in Error file his motion in writing with the Clerk and that the same be and hereby is set down for argument on next Saturday the 25th inst.—

William Taylor vsl Jr. George M Savage Exor of Samuel Savage dec'd	Mr Meehan of Counsel for the appellee moved the Court for leave to give an appeal bond in this case which shall operate as a Supersedeas and for leave to dismiss the Cross appeal and for such relief as may meet the case. Whereupon it is now here ordered by the Court that this motion be and the same is hereby set down for argument on next Saturday the 25th instant.—
Estate of Sarah S Sewell vsl &c. Benjamin Sewell vsl	The argument of this cause was continued by Mr Hunt for the defendants in Error and by Mr Legaré for the Plaintiff in Error.—

Proclamation being made the Court was adjourned until Monday morning at eleven Oclock.—

Monday February 20th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Honble	Henry Baldwin	Associate
	James M Wayne	Justices
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Lessee of Sarah S. Jewell & al	The argument of this cause
34. vs Pffs in Er	was concluded by Mr Sayre
Benjamin Jewell & al	for the plaintiff in Error.

The Louisville Cincinnati &	This cause was submitted
Charleston Rail Road Company	to the Consideration of the
87. vs Pffs in Er	Court on the Transcript of
Thomas W. Gibson	the record and printed
	argument by Mr Mazyck

of counsel for the plaintiff in Error & by Messrs Sprague & Sayre

Monday January 20th 1843 Continued

William M Gunn, Marshall vs. Buchanan, Hagan & Co. use of William Halliday	On motion of Mr Walter of Counsel for the Plaintiff in Error and by consent of Mr Emmons of Counsel for the defendant in Error

It is now here ordered by the Court that this Cause be and the same is hereby Continued to the next Term of this Court. —

Bank of Metropolis Plaintiff in Error vs. New England Bank —	The argument of this Cause was Commenced by Mr Coxe for the Plaintiff in Error and Continued by Mr Bradley for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday February 21st 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Bank of Metropolis —	The argument of this cause
36 vs	Piffat. was concluded by Mr Coxe
New England Bank	for the plaintiff in error.

On motion first made to the Court in this behalf by Mr Sergeant It is ordered that Robt E Lyon Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

Tuesday February 21st 1843 Continued

On motion first made to the Court in this behalf by Mr Cope. It is ordered that Robert P. Flenniken Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

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On motion first made to the Court in this behalf by Mr Sand It is ordered that William Sellman Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly

Robert Porterfield Appt 28. Merrimacher & Carbe et al	On consideration it is now here ordered by the Court that this cause be and the same is hereby

Continued to the next term of this Court & then to be argued.

Bernard McKenna pltff in Er 37 Charles B. Fisk	The argument of this cause was commenced by Mr R. J. Brent for the plaintiff in Error, continued by Mr. Bradley Hoge for the Defendant in Error, & concluded by Mr Brent for the pltff in Error.

Proclamation being made the Court is adjourned

Wednesday February 23d 1842.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

John McLean

The Hon'ble Henry Baldwin Associate

James M. Wayne Justices

John Catron &

Peter V. Daniel

Alexander Hunter Esqre Marshal

William Thomas Carroll, Clerk

Proclamation being made the Court is opened.

Thomas E. Ellis, Jonathan Kell, Daniel Roper and T. B. Bethea - Affidavits

30 - 5

Thomas Jones, admr of - Montravelle L. Taylor

In Error to the Circuit Court of the United States for the Southern District of Alabama

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On consideration whereof. It is now here ordered and

Wednesday February 22: 1843. Continued.

adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of six (6) per centum per annum. -

Ps. Mr. Ch. Jus. Taney -

(By a divided Court) -

The United States plff 38. v Gabriel S Swan vdt	The argument of this cause was commenced by Mr Attorney General for the plaintiff and continued by Mr Ford for the defendant. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Thursday February 23d 1843.

pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion first made to the Court in behalf by Mr. J.R. Ingersoll. It is ordered that Ferdinand W. Hubbell Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was so admitted accordingly -

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Thursday February 23d 1843 Continued

Arthur Bronson Compl't 58 John H. Rouse & Juliette A. Thorpe, Executors & Bussing & John I. Bussing the President, Directors & Comp'y of the State Bank of Illinois, Jay Hathaway, Mary Ann Wolcott, Samuel P. Grinnell, Caroline Lenham and Nancy Huntington.	Or a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Illinois.

This Cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Illinois and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel. On Consideration Whereof It is the opinion of this Court 1st That the decree should direct the premises to be sold at public auction to the highest bidder, without regard to the law of February 17th 1841 which gives the right of redemption to the Mortgagor for twelve months and to the Judgment Creditor for fifteen. 2d That the decree should direct the sale of the mortgaged premises without being first valued by three householders and without requiring two thirds of the amount of the said valuation to be bid according

Thursday February 23d 843 Continued.

to the Law of February 27th 1841 and that the decision of these two questions disposes of the third. It is thereupon now here ordered and adjudged by this Court that it be so certified to the said Circuit Court. — Js. Mr. Ch. Jus. Taney —

Mr. Jus. McLean, dissenting.

The United States. Jeff 38. In Gabriel T. Swayne	The argument of this cause was continued by Messrs Ford & Wright for the Defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday January 21st 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices -
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The United States - pltff	the argument of this
vs.	cause was continued
Gabriel J. Irving et al -	by Mr Wright for the Defendant and concluded by

Mr Attorney General for the plaintiff -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. -

Saturday February 25th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices -
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Esq. Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Harvey Baldwin Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Saturday February 25th 1843 Continued

Thomas Morris . . Compl^t & Appellant -

vs

Maria Nixon, Henry Williams & Thomas Biddle, Henry S. Williams and Maria Nixon Exec^rs of the last will and testament of Henry Nixon, deceased, and Maria Nixon sole devisee of the said last will & testament of Henry Nixon, and Mary Husband, Amelia M. Morris, Robert Morris, William P. Morris, Charlotte E. Morris, Henry Morris, Sarah Morris, children and heirs at law of Henry Morris dec^d and Caroline Stevenson and Samuel S. Clement, administrators of said Henry Morris, deceased. -

On appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel. On Consideration whereof, It is now here Considered, ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with cost and that this cause be and the same is hereby remanded to the said Circuit Court with instructions that that Court do cause an account taken, and that the

Saturday January 28th 1843 Continued

complainant be allowed his proportion at the rate of an interest of Five eighths in a moiety of the original purchase of Morris & Williams and that the said Court shall take such other proceedings in the cause as Equity may require.

Jos. McKn. Thos. McKayne.

Williams & Morris 55. vs Jeff'n &c Shubal Tillotson	The motion entered in this case on a prior day of the present term of this Court, coming on Saturday the 18th inst to be dismissed this writ of Error for the want of jurisdiction, was now argued by Mr Webster in support of the same. & thereupon Mr Walker of Counsel for the plaintiff in Error moved the Court to postpone the further argument of the same until next Saturday the 4th day of March. On Consideration whereof, it is now here ordered that said motion be and the same is hereby granted

William Taylor &al appts vs. Gage M. Savage Extr of Samuel Savage dec'd	The motion entered on this case on a former day of the present terms of this Court, to wit, on Saturday the 18th instant was argued by Messrs. Marshall & Sergeant in supt. thereof, and by Mr. Crittenden against the same, whereupon this court not being now here sufficiently advised of, and concerning what Order to render in the premises doth time to consider. —

Robert B. Rhett. Jr. &c vs. Robert Y. Poe —	Mr. Coxe of Counsel for the plaintiff in Error moved the court to continue this cause to the next term, which was opposed by Messrs Wirt & Marshall of Counsel for the Defendant in Error — On consideration whereof, it is now here ordered by the court that said motion be and the same is hereby overruled. —

The Walter &c Jr in Er — vs. The Bank of Washington	Mr. Hellen of Counsel for the defendants in Error moved the Court to dismiss this writ of Error — Whereupon it is

Saturday February 25th 1843 Continued

now here ordered by the court that the counsel file his motion in writing with the Clerk and that the said motion be and the same is hereby set down for argument on next Saturday the 4th of March.

Proclamation being made the court adjourned until Monday morning at eleven Oclock.-

Monday February 27th 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that R Barnwell Rhett Esquire of the State of South Carolina be admitted to practise as an Attorney and Counsellor of this Court and he was sworn accordingly.

Monday February 2d 1795 Continued.

Isaac S. Bowman & George W. S. Bowman ——
Brothers and Mary his wife, formerly Mary
Bowman & Rebecca Bowman by said Isaac
S. & Geo. W. S. Bowman their next friends,
the said Mary & Rebecca being infants, under
twenty one years of age & Albert S Bowman —

vs

Appellants

Athanasius Walker, and the Mayor & Common
Council of the City of Jeffersonville. —

On appeal from the Circuit
Court of the United States for
the District of Indiana. —

This cause came on to be heard on the tran-
script of the record from the Circuit Court of the
United States for the District of Indiana
and was argued by Counsel. On Consideration
whereof, It is now here ordered and decreed by
this Court that the decree of the said Circuit
Court in this cause be and the same is hereby
affirmed with Costs. —

Js. Mc. Hs. Samel —

Monday February 27th 1843 Continued.

Robert Barnwell Rhett &c Pltff in Error vs Robert Y. Poe —	The argument of this cause was commenced by Mr Cox for the Pltff in Error and continued by Mr Wilde for the Defendant in Error.—

Proclamation being made the Court was adjourned until tomorrow morning at eleven oclock.—

Tuesday February 28th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court was opened

Charles M'Knight. Appt	On appeal from the
vs.	Circuit Court of the
Samuel B. Taylor, Trustee &c	United States for the
	District of Columbia

holden in and for the County of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On Consideration whereof

Tuesday February 28th 1843 Continued.

It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to dismiss the bill of the Complainant with costs.— Jr. W. Ch. Jno. Laney.—

R. Barnwell Rhett—	The argument of this
40. B Jeffries—	cause was continued
Robt Y. Poe —	by Mr Hewitt for the
	defendant in Error—

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.—

Wednesday March 1st 1843.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Court	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Read. It is ordered that Samuel Humes Porter Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Mary Ann Conner — vs Jeffa. Henry Bradley and Mary his wife —	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by counsel. On Consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. —

pr. Mr Justice Daniel —

The Bank of the U. States v. C 23. (1) Appt James B Bundy	The argument of this cause was commenced by Mr Jones for the appellant & continued by Mr Coxe for the appellees. —

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock. —

Thursday March 2d 1843.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B. Taney Chief Justice

The Hon'ble
John M'Lean
Henry Baldwin
James M Wayne
John Catron
Peter V. Daniel
Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Cope. It is ordered that Benjamin F Angel Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Thursday March 2d 1843 Continued.

The Bank United States vs. In Aff't James B. Bowlby et al	The argument of this cause was continued by Mr Jos. Coxe and Johnson for the appellees -

Proclamation being made the Court was adjourned until tomorrow morning at eleven o'clock -

Friday March 3d 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Honble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esqure Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Coxe It is ordered that Thomas F. Foster Esquire of the State of Georgia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Friday March 3d 1843 Continued

The Bank U. States vs 23. " appts Lewis B Bunch &c	the argument of this cause was continued by Mr Ethridge for the appellees and by Mr Sergeant for the appellants

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Saturday March 4th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The Chief Justice announced to the Bar that the Court would adjourn on the 13th instant, and that consequently next Saturday would be the last day that arguments could be heard under the 47th rule of this Court.

Francis J. Vidal Val. appt	On consideration, It is now here
v.	ordered by the Court that this cause
The Mayor of Philadelphia	be and the same is hereby continued
v. Stephen Girard Exr.	to the next term of this Court, and

Saturday March 4th 1843 continued.

John Walker plff in Er vs The Bank of Washington	Mr Brent of Counsel for the Plaintiff in Error having filed the appearance of David A. Hall assignee of the plaintiff in Error, and Mr Key of Counsel for the defendant in Error having assented thereto and also to have it withdrawn his motion made in this cause on a prior day of the present term of this Court to wit, On Saturday the 25th ult to dismiss this writ of Error. It is thereupon, now here ordered by this Court that the said motion be and the same is hereby overruled, and that the appearance of the said David A. Hall, assignee in Bankruptcy of John Walker be and the same is hereby entered with leave to prosecute this writ of Error. —
William J. Minor & Wife vs. pltffs in Er Shubael Gillaspie	The argument of the motion to dismiss this writ of Error was continued by Mr Walker in opposition to the motion, and concluded by Mr Webster in support of the same. —

Saturday. March 4th 1843. Continued

Issac of Robert Gryson vs C Sil vs Pfff in Err John I. Astor vs	On the motion of Mr Crittenden of Counsel for the defendants in Error and with the consent of Mr Choate of Counsel for the Plaintiff in Error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. –
Buckhanan, Hagan & Co. vs of Geo. Buckhanan. Pfff- 65. vs Williams Jennin vs	Mr Crittenden of Counsel for the Plaintiff moved the Court for leave to submit this cause on the record and printed briefs of Counsel. On Consideration whereof it is ordered by the Court that said motion be and the same is hereby overruled. –
Michael Musson vs Jung Partners &c. Pfff Dg. vs William A. Lake	On Motion of Mr Walker of Counsel for the defendant and with the Consent of Mr Conrad of Counsel for the Plaintiff. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. –

Saturday. March 4th 1843. Continued.

James Brown. pff in Er
to
John Clarke ——

Mr Walker of Counsel for the defendant in Error having filed and read in open Court a Suggestion of a diminution of the record in this Cause, in this Court. "That the record in the case of Clark vs Bryant is of file in the Court below and a copy is not sent up." By reason of which omission and error aforesaid the said Counsel for the plaintiff in Error assented thereto, now here moved the Court to award a writ of Certiorari to be directed to the Judge of the the District Court of the United States for the Northern District of Mississippi commanding him that searching the records and proceedings of the said District Court in this Cause he shall certify to this Court under the seal of the said District Court whatever omissions and errors shall be found. On Consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judge of the said District Court commanding him to certify under the seal of the said District Court whatever omissions and errors shall be found in this Cause and return the same with

Saturday March 4th 1843 Continued

Bank of the United States vs 23. vs Appl James B. Beverly et al	The argument of this cause was concluded by Mr Sergeant for the Appellants. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock —

Monday March 5th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.—

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Col Benton It is ordered that James B Colt Esquire of the State of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

R. Barnwell Rhett	The argument of this cause
40 " Pitts.	was concluded by Mr Legaré
Robert F. Poe —	for the plaintiff in Error.

James Williams Plff in Er. vs. The United States —	The argument of this cause was commenced by Mr Bailey for the Plaintiff in Error

Proclamation being made the Court is adjourned until to-morrow morning at eleven o'clock —

Tuesday March 7th 1843.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened

On motion first made to the court in this cause by Mr Sergeant. It is ordered that James M Porter Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

James L. L. Bell use vs Matthias Brien	In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with Costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. —

Jos. M. Hs. Calhoun.

James Williams plff in Er vs The United States	The argument of this cause was continued by Mr Attorney General for the defendant in Error and concluded by Mr Brady for the Plaintiff in Error. —

Tuesday March 7th 1843. Continued.

William R Cannon Pltf in Err 41 vs Lessee of John H. Eustice	On motion of Mr Sergeant of Counsel for the Plaintiff in Error and with the assent of Counsel for the defendant in Error, It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.
Andrew Duncan Pltf in Err 42 vs Isaac Dorsett &c	This cause having been called for argument and no Counsel appearing ready to proceed with the same. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.
John Randel Jr Appt 43 vs William Sims Brown	This cause having been called for argument and no Counsel appearing ready to proceed with the same. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court.

Tuesday March 7th 1843 Continued.

William Linn Brown 44 vs Appt John Randel Jr —	This cause having been called for argument and no counsel appearing ready to proceed with the same.

It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this Court. —

Isaac Cooper pltff in Er 45 vs John Mathey —	On motion of Mr Ingersoll of Counsel for the plaintiff in Error. It is thereupon now here ordered by the Court that this cause be and the same is hereby Continued to the next term of this Court. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

1819 ... Wednesday March 8th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
" Jno McLean
The Hon'ble Henry Baldwin Associate
" James M. Wayne "
" John Catron "
" Peter V. Daniel "
Alexander Hunter Esqre Marshal.
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

William L. Minor Plaintiff	On Consideration of the
58. In Error	motion made in this Cause
Shubal Tillotson —	on a prior day of the present

term of this Court, to wit, On Saturday the 18th ult: by Mr Webster & Dexter for the Court of Error for the want of jurisdiction and of the arguments of Counsel thereupon had as well in support of as against the said motion. It is thereupon now here Considered and ordered by this Court that the said motion be and the same is hereby dismissed.

for Mr Ch Jus Taney

Wednesday. March 8th 1843. Continued.

The Louisville, Cincinnati & Charleston Rail Road Company vs Thomas W. Nelson.	It is now here ordered by the Court that this cause be held under advisement and that it be and hereby is continued to the next term of this Court.
John Randel Jr. appt vs William Penn Brown and William Penn Brown vs appt John Randel Jr.	Appeals from the Circuit Court of the United States for the Eastern District of Pennsylvania. — Mr Ingersoll of Counsel for the Complainant having filed and read in open Court a suggestion of a diminution of the record in this cause, in this, to wit; "Suggestion is hereby made of a diminution in the record and a motion is hereby made that a certiorari be issued directed to the Circuit Court of the United States for the Eastern District of Pennsylvania, to bring up the evidence now omitted from the record, which omitted evidence consists of the following bills all of which were given in evidence in the proceedings in the Court below —

Deliv.	William L. Evans	& Th. Randel Jr	17th August 1831
"	"	"	Wednesday Evening
"	"	"	23 August 1831
"	"	Mr Randel	6 September 1831
"	"	John Randel Jr	10 July 1832
"	"	"	30 October 1832
"	"	"	11 February 1833
"	"	"	3 August 1834
"	"	"	24 September 1834
"	"	"	25 January 1835
"	"	"	3 July 1835
"	R. V. Deloit	"	14 October 1836 "

By reason of which omissions and errors aforesaid the said record now here moved the Court to award a writ of Certiorari to be directed to the Judges of the Circuit Court of the United States for the Eastern District of Pennsylvania commanding them that searching the records and proceedings of the said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found - On Consideration whereof It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding

Wednesday March 8th 1843 Continued.

Chem & Orbly swore the seal of the late Circuit Court whatever emissions and errors shall be found in this cause and return the same with the said writ of Ordinare forthwith to this court.

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock.

Thursday March 9th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
John McLean
The Honorable Henry Baldwin Associate
James M. Wayne Justices
John Catron
Peter V. Daniel

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk -

Proclamation being made the Court is opened -

Isaac of Sarah L. Sewell Val 34. Benjamin Sewell Val.	Error to the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause

be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. —

Wm. M. Ch. Jus. Taney. —

Bernard McKenna — Appellant
vs
Charles B. Fisk — Appellee

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel — On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

Wm. M. Jus. Wayne. —

Proclamation being made the Court was adjourned

Friday March 10th 1843

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

The Hon'ble Henry Baldwin, James M. Wayne, John Catron & Peter V. Daniel, John McLean, Associate Justices.-

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk -

Proclamation being made the Court is opened.-

The United States } On a certificate of division
vs. } in opinion between the
38. } Judges of the Circuit
Gabriel Fleming, James E. De Kay, } Court of the United States
Francis R. Tillou & Charles P. Clinch, } for the Southern District
surviving Exrs of the last will and } of New York. —
Testament of Henry Eckford, dec'd. }

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and on the points and questions on which

the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel - On Consideration whereof It is the opinion of this Court - 1st That the transcript from the books and proceedings of the Treasury, given in evidence, on the part of the United States, to show the indebtedness of Samuel Swartwout, on the 28th day of March 1834, on which day the second term of Office of said Swartwout expired, was in this case competent and legal evidence -

2d That the payments made by said Samuel Swartwout subsequently to the said 28th day of March 1834, should be appropriated in exchange of his indebtment at that day, so far as said payments were made in the subsequent term, of money received as duly due or otherwise, which remained charged to the Collector, as of the preceding official term, but not where such payments were made of money accruing and received in the subsequent term - Whereupon, it is now here ordered and adjudged by the court that it be so certified to the said Circuit Court. -

Js. M. Lus. McLean. -

Sunday March 16th 1843. Continued

James Todd appt vs. Chs Daniels —	On appeal from the Circuit Court of the United States for the District of Maine

An agreement in writing, between the Counsel, as well for the appellant as the appellee, that the decree of the Circuit Court, in this case should be affirmed with legal damages and costs for the said Daniels, having been filed. It is thereupon considered and decreed by this Court that the decree of the said Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six (6) per centum per annum: and also that the said appellee recover of the said appellant the further sum of one hundred and twenty four dollars for the costs of the transcript of the record in the Circuit Court according to the said agreement. — Pr Mr Ch. Jus. Taney. —

William Taylor Trustee - appt vs. George M. Savage Exor of Samuel Savage, dec? —	On consideration of the petition & Vincent M. Benham filed in this case and of the arguments of Counsel thereupon had. It is now hereby ordered by this Court that the said petition be and the same is hereby dismissed. — Pr. Mr Ch. Jus. Taney. —

Friday March 11th 1842. Continued

Andrew Duncan Plff in Error vs Isaac Hart Defdt	The argument of this cause was commenced by Mr. Read for the Plff in Error and continued by Mr. Penrose for the Defendant in Error.

Proclamation being made the court is adjourned until to morrow morning at eleven oclock.

Saturday March 11th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	Associate
The Honble	James M. Wayne	Justices
	John Catron &c	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

John Taylor Jr. & al Claimts of 23 Cases of Cloths & 15 Cases of Cassimeres &c 94 vs Jeff in Er The United States	In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

Mr Attorney General of Counsel for the defendant in Error having filed and read in open Court a Suggestion of a Diminution of the record in this Cause, in this, to wit; That the charge of the Court there in referred to as annexed to and forming part of the Bill of Exceptions is

not returned Herewith to this Court By reason of which omission and error aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court of the United States for the Eastern District of Pennsylvania commanding them that searching the records and proceedings of the said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found. On Consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. —

Andrew Duncan — 42 vs Stephen Girard &c	The argument of this cause was continued by Mr Penrose for the Defendant in Error & concluded by Mr Read for the plaintiff in Error. —

Proclamation being made the Court is adjourned

Monday March 13th 1843.

Pursuant to adjournment the Court met this day at the Capitol -

Present

The Honorable Roger B. Taney Chief Justice

The Hon'ble	John McLean	Associate Justices
	Henry Baldwin	
	John Catron &	
	Peter V. Daniel	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk -

Proclamation being made the Court is opened -

The President Directors & Company of the Bank of the United States & The United States Appts	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington -
23.	This cause came on to
Francis B. Beanly & Jane his wife, Mrs Ramsay & Elizabeth his wife, Hamilton & James Peter, heirs of David Peter, dec'd & George Peter Surviving Exor of David Peter, dec'd	be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel

Monday March 13th 1843 Continued

On Consideration Whereof. It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to the opinion of this Court and in conformity to the principles of law and justice —

Jo. M. Hs. Baldwin —

The President & Directors of the Bank of the Metropolis vs. The President Directors and Company of the New England Bank	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration Whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit

Monday March 13th 1843. Continued.

Court with directions to award a venire facias de novo. — Pr. Mr. Ch. Jus. Taney. —

James Williams Plff in Er.
39.
The United States. —

In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington. —

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. — Pr. Mr. Jus. Daniel —

The United States Plff in Er.
104.
James Reeves. —

Mr Attorney General of Counsel for the Plaintiff in Error moved the Court to rescind and annul the order of dismissal made on docketing this cause on a prior day of the present term of this Court, viz. on Saturday the 21st of January last, and to restore the cause to the Calendar if the record shall be filed on or before the

Monday March 13th 1843 Continued

— next. On Consideration whereof, It is now here ordered by this Court that said motion be and the same is hereby overruled.

The United States - Pltff
in Error
vs
William H Freeman —

Mr Attorney General of Counsel for the plaintiff in error the Court that the Clerk have leave to deliver to him the original Statement of facts on file in this case, On Consideration whereof, It is now here ordered by the Court that the Clerk deliver to the Attorney General the original statement of facts on file in this case, and that the Clerk file the receipt of the Attorney General therefor —

Silas A Rowan & John L Rowan Co partners in trade, under the name and Style of Rowan & Rowan
vs
Hiram G Runnels —

Mr Error to the Circuit Court of the United States for the Southern District of Mississippi —

Mr Walker of Counsel for the defendant in Error, having filed and read in open Court the following Suggestion of diminution of the record in this Cause, "There being no copy of the writ of Error" By reason of which omission and error aforesaid the said Counsel

Monday March 13th 1843 Continued

now hue moved the Court to award a writ of Certiorari to be directed to the Judge of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the Seal of the said Circuit Court whatever omission, and errors shall be found. On Consideration whereof It is now hue ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court.—

Wm A. Rowan & Jo. S. Harris, Co Partners in trade, under the name & Style of Rowan & Harris. vs. Hiram G. Runnels —	In Error to the Circuit Court of the United States for the Southern District of Mississippi —

Mr Walker of Counsel for the defendant in Error, having filed and read in open court the following suggestion of diminution of the record in this cause, "there being no copy of the writ of Error." By reason

of which omission and error aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found. Wh Consideration whereof, It is now here ordered and adjudged by this Court that a writ of certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court.

Augustus Bonaffe & Edward Bonaffe partners under the name & Style of Bonaffe & Co	In Error to the Circuit Court of the United States for the Southern District of Mississippi.
vs	
Ira E Williams Charles S Lyman & Benjn H. Cook	

Mr Walker of Counsel for the Plaintiffs in Error, having filed and read in open Court the following Suggestion of diminution

of the record in this Court. "there being no copy of the writ of Error." By reason of which omission and error aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court Commanding them that pursuing the record and proceedings of said Circuit Court in this Cause they shall certify to this Court under the seal of the said Circuit Court whatever sentences and errors shall be found -

On Consideration whereof It is now here ordered and adjudged by this court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court Commanding them to certify under the seal of the said Circuit Court whatever sentences and errors shall be found in this Cause and return the same with the said writ of Certiorari forthwith to this court -

Lessee of Philip Kneeley v. Thos Lumpkin, Elizabeth Cryhoff & Francis Lemeaux. 114.

James A. Stewart, Elizabeth Brosier & Thos W. Leatherman v. Mary Morris -

In Error to the Circuit Court of the United States for the Southern District of Mississippi -

Mr? Walker of Counsel for the Plaintiff in Error.

having filed and read in open Court the following:

Monday March 13th 1843 Continued

suggestion of diminution of the record in this case in this, towit: "There being no copy of the writ of Error" By reason of which omission and error aforesaid the said Counsel now here moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court commanding them that searching the records and proceedings of said Circuit Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found. On consideration whereof, It is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. —

(Proclamation being made the Court adjourned until to-morrow morning at eleven o'clock —

Tuesday March 11th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

	John McLean	
The Honble	Henry Baldwin	Associate Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Andrew Duncan Appellant	In Error to the Circuit
vs.	Court of the United
Isaac Henry and Jacob Hart	States for the Eastern
to the use of Isaac Hart	District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel.

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and

the same is hereby affirmed with costs and damages at the rate of six per centum per annum.

Jr. M. Jno. Catron. —

Robt Bammell Rhett &c vs Griffin &c. Robt F. Poe —	It is now here ordered by the Court that this cause be held under advisement and that the same be and hereby is continued to the next term of this Court. —

It is now here ordered by the Court that all the cases on the docket not decided and all the other business of the term not disposed of by the Court, be and the same is hereby continued over to the next term of this Court. —

January Term 1844.

At the Capitol of the United States in the City of Washington and District of Columbia, being the present Seat of the National Government of the United States on the second Monday of January (being the eighth day of the same month) in the year of our Lord one thousand eight hundred and forty four, and of the Independence of the United States the sixty eighth, the Supreme Court of the United States met agreeably to law—

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Honble	James M. Wayne	Associate
	John Catron	Justices.
	John McKinley	

Alexander Hunter Esquire, Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

Monday January 8th 1844. Continued.

On motion first made to the Court in this behalf by Mr Alloway General. It is ordered that Wm H. Stewart Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

The Chief Justice announced to the Bar, that the Court would commence the call of the Docket tomorrow under the 36th Rule.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 9th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	Henry Baldwin	
The Hon'ble	James M Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Meyander Hunter Esq. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Seth Barton Esquire of the State of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

William G Cook—	This cause having been called
vs	for argument and no Counsel
John L. Moffat val.	appearing to argue the same.
	It is thereupon now here ordered

Tuesday January 9th 1844. Continued.

by the Court that this cause be and the same is hereby postponed to the foot of the Docket under the 36th rule of this Court.

Sally alias Sally Zadiga.
2. vs Jeffn &c.
Richard L. Rowland & al

Mr Coxe of Counsel for the Plaintiff in Error now here moved the Court to postpone this cause and for leave to argue the same in connexion with No 38. to which Mr Johnson of Counsel for the defendants in Error assented. Whereupon it is now here ordered by the Court that this cause be and the same is hereby postponed, and that it be argued in connexion with No 38.—

Sugdam & Boyd. pffs
3. vs
Ephraim G. Payton

On motion of Mr Walker of Counsel for the defendants. It is now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket.—

Alexander McNutt, Govr &c
4. vs pff in Er
Richard J. Blundell

The argument of this cause was commenced by Genl. Cross for the plaintiff in Error. Continued by Mr Walker for

Tuesday January 9th 1844 Continued.

for the defendants in Error and concluded by Genl Jones for the plaintiff in Error

John H Lebery pff in Er vs Joel Bigg.	This cause was submitted to the consideration of the Court by Mr Johnson of Counsel for the defendant in Error
James S. Dickson & al pffs vs John F. Wilkinson's adm'r	This cause having been called for argument and no counsel appearing to argue the same It is therefore now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the Docket under the 36th rule of this Court
William M. Gwin pff in Er vs James W. Breedlove	Mr Walker of Counsel for the plaintiff in Error having stated to the Court that no return had been filed to the Certiorari issued in this case, moved the Court to postpone the argument of the same, to which Mr Lea of Counsel for the defendant in Error objected. Whereupon this Court now here ordered that said motion be and the same is hereby

Tuesday January 9th 1844 Continued.

John M. Murphy Exr &c of William Matheson. 31. vs Joseph & Alexander Grants admrs	Mr Ogden of Counsel for the plaintiffs in Error in this cause, having stated to the Court that no return had been filed to the Certiorari issued in this cause, moved the Court to set this cause down for argument on the 1st Monday in February next. On Consideration whereof it is now here ordered by the Court that this cause be and the same is hereby set down for argument on the first monday of February next.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.—

Wednesday January 11th 1844.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Hon'ble	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll, Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Bentley It is ordered that Emory D. Potter Esquire of the State of Ohio, Seth P. Staples and David L. Seymour Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Wednesday January 10th 1844 Continued

On motion first made to the Court in this behalf by Mr Marshall It is ordered that John W. Tibbatts and Geo. A. Caldwell esquires of the State of Kentucky be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

On motion first made to the Court in this behalf by Mr Webster It is ordered that Wm Woodbridge esquire of the State of Michigan be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On the opening of the Court this morning Mr Nelson the Attorney General of the United States made the following remarks.—

"The proceedings of the members of the Bar and the officers of this Court held yesterday have been placed in my hands this morning with a request that I would communicate them to your Honors.

"They are designed to express the sentiments of profound regret and sorrow, with which the recent death of Mr Justice Thompson has impressed those who have adopted them, to testify their admiration

of his ability, integrity and fidelity as a Judge, and of his urbanity, dignity and virtues as a man.

A large portion of the life of the deceased, as your Honors are aware, was dedicated to the discharge of the high duties of the Bench of which for thirty seven years, he was an honored incumbent as early as April 1802, he took his seat in the Supreme Court of this native State, by the title of Lewis and Kent, and Radcliffe and Livingston; and when in 814, Chief Justice Kent was transferred to the Court of Chancery, Justice Thompson was called to preside over the deliberations of a tribunal, whose reputation is familiar to every American Lawyer, and whose decisions, reported by Mr Johnson, have largely contributed to lay, deep and broad, the foundations of American jurisprudence.

From this sphere of eminent usefulness, he was withdrawn in 1819, when by the invitation of Mr Monroe then President of the United States, he assumed the direction of the Department of the Navy; whence in 1823 he was translated to this Court.

From that time to the period of his death, full twenty years he laboriously fulfilled all the obligations of his elevated station, which, it is no exaggeration to say, he illustrated and adorned;

distinguished as he was for every thing that can give a title to reverence.

Of his assiduity, the patience, the energy and steadiness of purpose with which he discharged his arduous duties here, it does not become me to speak in this presence. Of all these your Honors are the witnesses, whilst of his genius, his attainments and his intellectual vigor, the recorded judgments of this Tribunal during the whole period of his distinguished service, furnish the unperishable attestation.

A just appreciation of his qualifications and high claims, by those who have enjoyed the best opportunity of estimating their extent and magnitude, has dictated the tribute to his worth, embodied in the resolutions which I have now the honor to present to the court, and respectfully move that they be entered upon the minutes of its proceedings.—

"At a meeting of the members of the Bar of the Supreme Court of the United States and of the Officers of the Court at the Court room in the Capitol, on the 8th day of January A. D. 1844.

The Honorable Daniel Webster was appointed Chairman and the Hon. Silas Wright, Secretary.

Col. Walter Jones, David B. Ogden and John Sergeant Esquires were appointed a Committee to

prepare resolutions expressive of the sentiments and feelings of the meeting on the melancholy event of the recent death of the Honorable Smith Thompson one of the associate Justices of the Supreme Court of the United States.

Whereupon Genl. Jones in behalf of Committee so appointed, presented the following preamble and Resolutions which were unanimously adopted by the meeting"

"The members of the Bar and officers of the Supreme Court of the United States having assembled to give a public and sincere testimony of their sense of the loss which they, in common with this Court and the Country have sustained by the death of Smith Thompson one of the associate Justices of the Court and a public expression of their affectionate reverence for the memory of a citizen distinguished in the greatest respect of his country for long continued, zealous and eminently useful services in the important stations, both judicial and executive in which the general confidence in his ability and spotless integrity had called him, and endeared to the affections of his friends no less by his private than his public virtues by the amiable qualities of his heart

chan. of his mind: This meeting being so assembled under the influence of an all pervading sentiment which consciousness inadequately that sentiment can be expressed by any outward token of respect now in their power to manifest, have adopted the following resolutions:

1. That the members of this meeting wear the customary badge of mourning during the present term of the Court.

2. That the Chairman and Secretary communicate a copy of these proceedings to the family of the deceased, accompanied by assurances of the condolence of the members of this meeting in the heavy affliction with which they have been visited.

3. That the Attorney General be requested, in behalf of this meeting to present these proceedings to the Supreme Court in session, and respectfully to ask that they may be entered in the minutes of the Court."

Daniel Webster, Chairman"

Silas Wright, Secretary."

To which Mr. Chief Justice Tang replies as follows:

"The Court are sensible of what must be the feelings of the Bar upon the loss of a Judge so distinguished as the late Judge Thompson, who possessed in an eminent degree every quality necessary to fit him for a high judicial station and who for

Wednesday January 10th 1844 Continued.

lamented Ogden was one of the brightest ornaments of this Bench - His death is most painfully felt by the members of the Court, for he was not only their respected and honored associate in the discharge of their official duties but he was beloved as their friend, and endeared to every one of them by his frankness his kindness and his untainted honor. We deeply deplore his loss, and direct the proceedings of the Bar and the Court to be entered on the record as an enduring testimony of our respect and affection for him.

William M. Gwin - In Error to the Circuit Court
vs. of the United States for the
James W. Breedlove Southern District of Mississippi.

Mr Walker having stated to the Court that on the 3d day of March A.D. 1842. he had prepared a Memorandum of the record in this case in this, that the Clerk of the aforesaid Circuit Court had omitted to send up a copy of the writ of Error with the transcript of the record, and that on the same day this Court had awarded a writ of Certiorari directed to the same Court commanding them to supply the said omission - and which writ of Certiorari had been lodged in the Office of the Clerk

Wednesday January 10th 1844 Continued

of said Circuit Court, and that no return had been made by the said Circuit Court to the said Certiorari, now here moved the Court for leave to file a writ of error issued from the office of the Clerk of this Court, with the written consent of C. Cox Esquire the counsel of record in this court for the defendant in Error. Whereupon it is now here ordered by the Court that leave as prayed for be and the same is hereby granted, and that the Counsel proceed with the argument of the Cause

William M. Gwin, pltff in Er
vs
James W. Breedlove

the argument of this Cause was Commenced by Mr Walker for the plaintiff in Error, continued by Mr C. Cox for the defendant in Error and concluded by Mr Walker for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 11th 1844.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable Roger B Taney Chief Justice
John McLean
Henry Baldwin
The Hon'ble James M Wayne Associate
John Catron Justices
John McKinley
Peter V. Daniel

Alexander Hunter, Esquire, Marshal.
William Thomas Carroll Clerk

proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Bayly. It is ordered that Linus E Belser Esquire of the State of Alabama be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thursday January 11th 1844 Continued

At the opening of the Court this morning Wm Nelson, the Attorney General of the United States addressed the Court as follows:—

"My Brethren of the Bar and the officers of this court have devolved on me the melancholy duty of presenting a series of resolutions adopted by them yesterday, in relation to Hugh Swinton, Esquire late Attorney General of the United States.

The death of this accomplished Jurist, Statesman and Scholar, as your Honors are aware, produced at the time of its occurrence an almost unprecedented sensation — In every portion of the confederacy, the evidences of the public grief were multiplied and signal — Under the pressure of the general distress, the voice of sorrow was heard from every rank, and even the stern prejudices of partizanship, under its softening influence, was subdued — Tributes of praise & Eulogy to his memory and character were freely offered by the gifted in letters, the illustrious in eloquence, and the eminently profound in the knowledge of the Constitution and laws.

I need not say to your Honors, that the subject of these Commendations was worthy of all that was uttered in his praise — It was meet that one whose claims upon the admiration and affections

Thursday January 11th 1844 Continued.

of his Countrymen must so serious, dying in the Nations service, should be followed to the tomb by the Nations tears.

The American Bar was not insensible to the loss sustained by the proud profession of which the deceased was so distinguished an ornament. All its members, every where largely participated in the general grief; and those of them now assembled, with whom during the latter period of his professional career, he was brought into more immediate association, have deemed it to be peculiarly appropriate, at this time, and here, before the august tribunal, at whose pure shrine he so successfully ministered whilst living, to spend his praise, but where by the extent of his diversified attainments, the richness of his rare eloquence, and the cogency of his vigorous reasoning to lend the foundation of his most enviable fame. And while God it pleased in all wise providence, longer to have spared him, he was destined to have won a more wide spread, enduring and imperishable renown.

I respectfully move that your Honors will order the resolutions to be entered on the minutes of your proceedings."

Thursday January 11th 1844 - Continued

"At a meeting of the members of the Bar, and Officers of the Supreme Court of the United States, at the Court room in the Capitol, on the 8th day of January 1844, to give expression to their feelings on the melancholy event of the death of Hugh S Legaré late Attorney General of the United States -

The Honorable Daniel Webster was called to the chair and the Hon. Silas Wright, appointed Secretary -

The following resolutions were submitted by Reverdy Johnson Esquire, and unanimously adopted -

Resolved, That the members of this Bar, and the Officers of this Court, feel with deep sensibility, the loss which the Country and the profession have sustained by the death of the Honorable Hugh Swinton Legaré late Attorney General of the United States -

Resolved, that we cherish the highest respect for the professional attainments of the deceased, for his varied talents and accomplishments, for the purity and uprightness of his life, and for the estimable qualities which belonged to him as a man. -

Thursday January 11th 1844. Continued.

Resolved that in testimony of the sentiments and feelings we will wear the usual badge of mourning during the term of the Court

Resolved, that the Chairman and Secretary transmit a copy of these proceedings to the family of the deceased, and assure them of our sincere condolence on account of the great loss they have sustained.

Resolved, that the Attorney General be requested to move the court that these resolutions be entered in the minutes of their proceedings.

Silas Wright, Secretary — Daniel Webster Chairman."

To which Mr Chief Justice Taney replied as follows

"The court unite with the Bar in sincerely lamenting the death of Mr Legaré although he was but a short time the Attorney General of the United States, yet he was long enough in that high office to win the respect, the confidence and the friendship of the Court. For his mind was richly stored with professional learning and he came to the argument of every case fully prepared presenting it in the fairest possible manner and with the candor and frankness which became his official station. The loss of such a man in the prime of

Thursday January 11th 1844 Continued.

his life as a public misfortune and we must cer-
tainly smile with the Bar in paying respect to his
memory.—

The Court therefore direct these proceedings
to be entered on the record."—

Lessee of David Shriver Jr. vs. Mary Lynn Exr. &c.	The argument of this cause was commenced by Mr. Thomas for the plaintiff in Error and continued by Mr. Schley for the defendant in Error.

Proclamation being made the Court adjourned
until tomorrow morning at eleven O'clock.—

Friday January 12th 1844.

Pursuant to adjournment the Court met this morning at the Capitol.—

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal.
William Thomas Carroll. Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Meredith. It is ordered that Solomon Cohen and Asa A. Hardin Esquires of the State of Georgia be admitted to practice as Attorneys and Counsellors of this court and they were severally sworn accordingly.

Friday January 12th 1844 Continued.

Issue of David Shriver for
the use of Pfff in Er.
Mary Lynn vs.

The argument of this cause
was continued by Mr.
Schley for the defendants
in Error, and concluded by
Mr. Johnson for the Plaintiff in Error. -

Proclamation being made the Court is adjourned
until tomorrow morning at eleven oclock. -

Saturday January 13th 1844.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Hon'ble	James M Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

proclamation being made the Court is opened

Order of Court

It is ordered by the Court that the proceedings of the New York Bar in memory of the late Mr Justice Thompson be entered on the minutes of the Court which are as follows —

At a meeting of the Bar of the City of New York convened in pursuance of public notice, at the Common Council Chamber

Saturday January 13th 1844 Continued

on the 20th day of December 1843 the following resolutions were submitted by Jesse P. Staples and unanimously adopted

Whereas we have received the melancholy intelligence of the death of the Honorable Smith Thompson, one of the Justices of the Supreme Court of the United States at his residence in Poughkeepsie, on the evening of the 18th instant

Resolved, That we deeply feel and most sincerely lament the death of this just and upright man, and eminent Judge. His diligence in the dispatch of business his impartiality and infallible integrity, his firmness and humanity, endeared him to us and his ready apprehension of the truth, and great clearness, and power of intellect during a long judicial life commanded and received our most profound respect and entitle his memory to the highest veneration - the high judicial character, which he attained, was alike honorable to himself and beneficial to the community.

Resolved, That while the private character and eminent public services of Judge Thompson, through a long life, almost exclusively devoted to the public interests, have justly entitled him to the grateful remembrance of his countrymen, they present peculiar

claims to the respect and admiration of the profession upon which they have reflected so much honor. Entering, as he did, upon public life at an early age, as a representative in the Legislature of our State; shortly thereafter, occupying the office of a Judge, and subsequently of Chief Justice of the Supreme Court of this State, which station he adorned for a period of seventeen years. Then filling the exalted post of Secretary of the Navy, during the administration of President Monroe; and finally for the last twenty years of his life, occupying a most distinguished rank in the Judiciary of the Union; and sustaining with his peculiar vigor of mind and integrity of purpose, the interpretations of the Constitution which have commanded from that august tribunal the veneration of the Country. He has, in each successive gradation, sustained himself with unsurpassed ability and integrity, leaving to his profession and to the Community the enduring recollection of a well spent life, and of an honorable fame. The Bar of this the first city in his native State, deeply cherishing his memory, and justly appreciating the extent of the bereavement which they in common with their fellow citizens, have sustained in his death, enjoy, at least a melancholy

Saturday January 13th 1844. Continued

satisfaction in the retrospect of his life and services and proudly point to them as bright examples for the imitation of those who are hereafter to take in the field, in which he has secured the most honorable and enduring rewards.

Resolved, that as a mark of our respect for the memory of the deceased we will wear the usual badge of mourning for thirty days.-

Resolved that the Judges of the several courts in this city, the U. S. District Attorney, and the following named gentlemen: Seth P. Staples, Hugh Maxwell, Benjamin F. Butler, David S. Jones, Samuel A. Foot, John L. Lawrence, Wm Samuel Johnson, Joseph Blunt, Ambrose L. Jordan, David Graham together with the President and Secretary of the meeting, be a committee to attend the funeral of the deceased and assure the family and friends of the deceased, how deeply we sympathise with them in the loss they have sustained, and that a copy of these resolutions be presented to his bereaved family.

Resolved, that the proceedings of this meeting be signed by the Chairman and Secretary and published.

Resolved, that the Chairman and Secretary

Saturday January 13th 1844 Continued.

be requested to communicate a copy of these proceedings of this meeting to the Chief Justice of the Supreme Court of the United States and the District Judge of the United States for this District, with a respectful request that they may be laid before the Courts over which they respectively preside.

Resolved that a Committee of three be appointed by the Chair, to make the necessary arrangements for an eulogy, to be hereafter delivered on the life and character of the late Judge Thompson.

Samuel Fales President

Ogden Edwards, Secretary.

William M. Gunn Complainant vs. The Buchanan, Hagan & Co. and William Helmuth & Co.	This cause having been called for argument and no counsel appearing to argue the same, Mr. Thompson now here ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 30th rule of this Court.

Saturday January 13th 1844. Continued.

John McCollam plff in Er vs. Jennison Eager def	Mr Case of counsel for the defendant in Error moved the court to dismiss this writ of Error for the want of jurisdiction. Whereupon this Court not being now here sufficiently advised of and concerning what judgment to render in the premises order that the consideration of said motion be and the same is hereby postponed for the present.
William Taylor et al. appts vs. George M. Savage Exor of Samuel Savage, dec'd	Mr Sergeant moved the court to dismiss the appeal in this case. Whereupon it is now here ordered by the court that this motion be and the same is hereby set down for argument on Saturday next the 20th instant.
William R. Ramsay et al vs. Jeffries Lessee of John M. Eustace	The argument of this cause was commenced by Mr Hubbell for the plaintiff in Error. —

Proclamation being made the court is adjourned until Monday morning at eleven o'clock.

Monday January 15th 1844.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Hon'ble	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

William R. Hanson Vs	The argument of this cause
Vs. " Appellee	was continued by Mr
Seisin of the N. Eastern	Hubbell for the plaintiff
	in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 15th 1844.

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	John Catron	Justices.
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire, Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

William R. Reaves vs D. W. Griffin's Lessee of John H. Eustace	The argument of this cause was continued by Mr Hubbell for the plaintiff in Error and by Mr Guillin for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday January 17th 1844.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney,	Chief Justice
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal.
William Thomas Carroll, Clerk

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Genl Howard. It is ordered that William Smith Esqre of the State of Virginia be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Wednesday January 17th 1844 Continued.

William R Hanson vs.	The argument of this cause
15. vs Jeffries	was continued by Messrs
Lessee of John H. Eustace	Guillou and Talbot for
	the defendant in Error. -

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. -

Thursday January 18th 1844.

pursuant to adjournment the court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Henry Baldwin	
The Honble	James M. Wayne	Associate
	John Catron	Justices.
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

William R. Ca[illegible] et al	The argument of the cause
vs.	was continued by Mr Sutton
Lessee of John N. Eustace.	for the defendant in error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday January 19th 1844.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	John McLean	
	Henry Baldwin	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

Isaac Cooper pltff in Error vs John Mathews	On motion of Mr. C. R. Ingersoll of counsel for the pltff in Error. It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Saturday January 20th 1844.

pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable John McLean
Henry Baldwin
James M. Wayne — Associate
John Catron — Justices.
John McKinley
Peter V. Daniel

Alexander Hunter Esquire, Marshal
William Thomas Carroll Clerk

proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Webster It is ordered that Edward F. Van Winkle Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the court in this behalf by Mr Hallett It is ordered that Charles G. Loring Esquire of the State of New York be admitted to practice as an Attorney & Counsellor of this court & he was sworn accordingly

Saturday January 20th 1844. Continued.

John McDonogh. pff in Er	In Error to the Supreme
33. vs	Court of the State of
Laurent Millaudon & al	Louisiana. —

Mr. W. C. C. Johnson of Counsel for the defendants in Error having filed and read in open court the following suggestion of diminution of the record in this Court. "That all the plats, maps and papers filed by the parties respectively on the trial of the case in the State Court are not transmitted with the record, although forming an essential part thereof and necessary to the correct understanding of the points. By reason of which omission and error aforesaid the said counsel now here moved the court to award a writ of Certiorari to be directed to the Judges of the said Supreme Court requesting them that searching the records and proceedings of said Supreme Court in this cause they shall certify to this court under the seal of the said Supreme Court whatsoever omissions and errors shall be found. On consideration whereof, It is now here ordered and adjudged by this court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Supreme Court requesting them to certify under the seal of the said Supreme Court whatever omissions and

Saturday January 20th 1844. Continued.

errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this Court. —

William Taylor val. vs. Appt.
vs. Appt.
George M. Savage for
of Samuel Savage, dec?

Mr Sergeant now here moved the Court that his motion to dismiss this appeal made in this cause on a prior day of the present term of this Court, viz. on Saturday the 13th instant be postponed to next Saturday the 27th instant. Whereupon it is now here ordered by this Court that the consideration of said motion be and the same is hereby postponed to Saturday next the 27th instant. —

William Oliver val
vs. Appts
Robert Peale val

Mr Tibbals having suggested the death of Thos Rowan one of the Defendants in this cause, now here moved the Court for leave to the Executors of the said Rowan to appear and be made co-appellees in this cause, and also to continue this cause to the next term of this Court. Whereupon it is now here ordered by this Court that the consideration of the

Saturday January 20th 1844. Continued

The State of Rhode Island vs Comp.t The Commonwealth of Massachusetts	Mr Webster of counsel for the defendants now here moved the court to set down this cause for argument on Tuesday the 20th February next. Whereupon it is now here ordered by this court that the consideration of the said motion be and the same is hereby postponed for the present.-
John Randel Jr. appt vs William Linn Brown	The argument of this cause was commenced by Mr J. R. Ingersoll for the appellant.-

Proclamation being made the court is adjourned until Monday morning at eleven oclock.-

Monday January 22d 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Chief Justice

Joseph Story
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley
Peter V. Daniel

Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court opened

On motion first made to the Court in this behalf by Mr. J. R. Ingersoll. It is ordered that C. Ingersoll Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

John M. Lebery Plff in Error
vs.
Joel Bugg —

In Error to the District Court of the United States for the District of West Tennessee.

Monday January 22d 1844. Continued.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of West Tennessee. On consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Ten (10) per centum per annum. — Pr. Mr. Thos. McLean. —

John Randel Jr. Appt
vs.
William Linn Brown

The argument of this cause was continued by Mr. J. R. Ingersoll for the appellant and by Mr. J. R. Tyler for the appellee. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock. —

Tuesday January 23d 1844.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable John McLean
Henry Baldwin
James M. Wayne — Associate
John Catron — Justices.
John McKinley &
Peter V. Daniel.

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Attorney General it was ordered that James A. Seofield Esquire of the State of New Jersey be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.—

Tuesday January 23: 1844 Continued.

John Randel Jr. appt	The argument of this
vs.	cause was continued
William Seton Brown	by Mr. A. R. Tyler for
	the appellee. -

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. -

Wednesday January 24th 1844.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	
	Henry Baldwin	
	James M. Wayne	Associate
	John Catron	Justices. —
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqr Marshal
William Thomas Carroll, Clerk —

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster It is ordered that Lemuel Wilson Esquire of Iowa Territory be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday January 24th 1844 Continued

John Randel Jr. appt vs William Linn Brown	The argument of this cause was continued by Mr Ladmadder for the appellee and by Mr C. Reynolds for the appellant.

(Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 25th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Gen. Jones it is ordered that William Wallace Whiting Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

John Randel Jr. Appt vs William Penn Brown	The argument of this cause was concluded by Mr. C. Ingersoll for the appellant.

Thursday January 25th 1844 Continued.

The State of Rhode Island &c.	On consideration of the
vs. Compt	motion made in this
The Commonwealth of Massachusetts	cause on a prior day

of the present term of this Court, to wit, On Saturday the 20th inst. by Mr Webster of Counsel for the Respondent it is now here ordered by this Court that this cause be and the same is hereby set down for argument on Tuesday the 20th day of February next

Edmund P. Gaines & Wife	The argument of this cause
vs. Compt	was commenced by Mr
Beverly Kinsman &al	Henderson for the defendants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Friday January 25th 1844.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley
Peter V. Daniel
} Associate Justices

Alexander Hunter, Esquire, Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Hemphill. It is ordered that William Upham Esquire of the State of Vermont be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday January 25th 1844 Continued.

Edmund P. Gaines & Wife vs. The Comptr Beverly Chew et al —	the argument of the cause was continued by Messrs Henderson & Coxe for the defendants. —

proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Saturday January 27th 1844.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened

William Taylor Val.	On motion of Mr Webster
Pl. v Appts	of counsel for the appel-
George M. Savage Exr of	lants in this cause it is
Samuel Savage, dec'd	now here ordered by this
	court that the consideration

of the motion of Mr Sergeant to dismiss the appeal be and the same is hereby postponed to Saturday the 3d of February next.

Saturday January 27 1844 Continued.

Lucius W. Stockton & Samuel Moore, Esqrs. vs. Harriet Bishop.	In Error to the Circuit Court of the United States for the Western District of Pennsylvania

Mr Wilkins of counsel for the defendant in error having filed and read in open court the following certificate, to wit:

"In the Circuit Court of the United States for the Western District of Pennsylvania in the Third Circuit—

No. 18 of November Term 1842.

Harriet Bishop, a citizen of the State of Ohio

vs

Lucius W. Stockton and Samuel Moore, citizens of Pennsylvania } Case.

"I do hereby certify that in this case a verdict was rendered for the plaintiff on the 25th day of December 1843; that judgment was entered thereon by the court on the seventh (7th) day of December 1843; and that a writ of Error, on behalf of the defendants, was duly issued out and allowed on the fifteenth day of the same month. From the Record.—

(Seal) Witness my hand and the seal of said Court at the City of Pittsburgh the 22d day of January A.D. 1844.

E. S. Roberts Clk.

and having stated that the Plaintiffs in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of Error, now here moved the Court to have this writ of Error docketed and dismissed. On consideration whereof, it is now here ordered and adjudged by this Court that the writ of Error to the Circuit Court of the United States for the Western District of Pennsylvania be and the same is hereby docketed and dismissed with costs; and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding.

Present Mr. Justice Story -
Mr. Justice Daniel dissenting.

Edmund P. Gaines & Wife vs. To Comp. Beverly Chew et al	The argument of the cause was continued by Mr Coxe for the respondents and by Mr R. Johnson for the Complainants

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday January 29th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Lucius W. Stockton and Daniel Moore Plffs in Error	In Error to the Circuit Court of the United States for the Western District of Pennsylvania.
vs	
Harriet Bishop	

Mr Coxe of counsel for the plaintiffs in error in this cause having filed and read an open court the following suggestions in writing, to wit:

"R. L. Coxe for plaintiffs in Error moves the

Monday January 29th 1844 Continued.

court to strike out the order to dismiss the writ of Error in this cause and that the record be now filed for the following reasons.-

1. The final judgment in the case was rendered after the argument of a motion for a new trial on the 7th Dec. 1843. The first day of the present Session of the Supreme Court was Monday the 8th Jany. the thirtieth day after the rendition of the judgment expired on Sunday the 7th January 1844 and it is respectfully suggested whether within the spirit of the 43d rule of the Court it ought to be held that the plaintiff in Error is in default. For surely it is somewhat unequal upon parties to prescribe the same number of days for the parties to file their records, without any discrimination as to the distance of the place of trial from Washington or the age of the records which frequently cannot be completed and transmitted to Washington within thirty days.

2d Neither of the plaintiffs in error reside at Pittsburg the place of trial, and Mr. Stockton the active partner of Jeffs has as stated in several letters dictated by him, been confined to his house by severe indisposition almost if not quite without intermission from the time of trial to this period.

3d The record with the necessary additional proof

Monday January 29th 1844 Continued

received in this city long before the expiration of the third days - although this appears to have been alleged some days beyond the usual time required for the passage of the mail, on examining the papers however it appears that the bond to the clerk for the costs did not accompany them - the undersigned therefore procured a proper form of Bond from Mr Carroll and transmitted it to Mr Harlan - On Saturday night (27th) the day the motion to dismiss was made a letter was received from Mr Hagner the bond being filed unable to write post paid to Washington and which by due course of mail ought to have reached Washington it is believed by the undersigned on the evening of the 25th instant. -

If therefore there has been any default it is confidently hoped that the foregoing statement will sufficiently account for and excuse the same. Wherefore it is prayed that the order for dismissal made on Saturday be rescinded and the record now be permitted to be filed.

January 29 1844. R. S. Coxe for Offr in Error

Now here moved the court to rescind and annul the order of this court entered in this case on last Saturday the 27th inst. and for leave to docket and file the writ of Error - & Consideration whereof. This motion

Monday January 29th 1844 Continued.

It is ordered by this court that the said order of the 27th inst. be and the same is hereby rescinded and annulled at the cost of the plaintiffs in error and that leave be and the same is hereby granted to file and docket the writ of Error.

Jno. McKee Sen.

Edmund P. Gaines & wife vs. The Comptr. Beverly Chew et al.	The argument of this cause was continued by Messrs. Chase & Jones for the complainants

Proclamation being made the court adjourned until tomorrow morning at eleven o'clock.

Tuesday January 30th 1844.

pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley &	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk -

proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Webster - It is ordered that John P. Hale Esquire of the State of New Hampshire be admitted to practice as an attorney and Counsellor of this court and he was sworn accordingly -

Tuesday January 30th 1844. Continued.

Alexander G. McNutt Governor &c. use &c for the use of Lyell Smith and Lawrence Appellants vs. Richard S. Bland and Benjamin G. Humphreys	In Error to the Circuit Court of the United States for the Southern District of Mississippi

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel on consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to enter judgment in this case for the plaintiff in that Court.

Mr Justice Baldwin

Edmund P. Gaines & Wife vs. Thos Comptr. Beverly Chew et al	The argument of this cause was continued by Mr Barton for the defendants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday January 31st 1844.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices -
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the court is opened

William M. Gwin Appellant	In Error to the Circuit
vs	Court of the United States
James W. Bradlove	for the Southern District
	of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof. It is now here ordered and adjudged by this court

Wednesday January 31st 1844. Continued.

that so much of the judgment of the said Circuit in this cause as adjudges William M. Gavin the plaintiff in error to pay the only five per cent damages thereon be and the same is hereby reversed and annulled, and that the residue of the judgment of the said Circuit Court in the cause be in all respects and the same is hereby affirmed —

Ps. Mr. Justice Catron

Mr. Justice Daniel, dissenting.

Alexander P. McNutt, Govr	Mr Jones of counsel for
&c. vs Jeffries	the plaintiff in error having
Richard I. Bland et al	suggested the death of
	Richard I. Bland one

of the Co-defendants since the last continuance of this cause, now here moved the court that the writ of Error stand as against the surviving defendant whereupon this court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

Edmund P. Gaines et al's	the argument of this cause
&c. vs Cassell	was concluded by Mr
Beverly Chew et al	Burton for the defendants.

Proclamation being made the court is adjourned

Thursday February 1st 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Chief Justice	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Richard Fen. Lessee of Linde Skriver Jr. - Ejt in Er	Error to the Circuit Court of the United States for the District of Maryland
Mary Lynn, Wm Lynn Geo. S. Lynn Sothen, devisees of Linde Lynn.	This cause came on to be heard on the transcript

of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel - On Consideration whereof, It is now here

Thursday February 1st 1844 Continued.

ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs

Pr. Mr. Justice McLean

Nelson J. Shelton - appt
vs.
Clayton Tiffin and Lilburn P. Perry.

On appeal from the Circuit Court of the United States for the Eastern District of Louisiana

Mr. Upton of Counsel for the appellee having filed and read in open court the following certificate, viz

"Clerks Office, United States Circuit Court 5th Judicial Circuit and Eastern District of Louisiana

Tiffin & Perry - plaintiffs in Error
vs.
Samuel Anderson et al
} No 918.

I hereby certify that in the above entitled suit a decree was rendered in this court in favor of the Complainants in Equity upon the hearing of the pleadings and the argument of counsel at the April term of this Court 1843 and filed on the 27th day of June of said Term. And I do further certify that Nelson J. Shelton one of the Respondents against whom said decree was rendered, only filed

Thursday February 1st 1844. Continued.

ent his appeal from said decree to the Supreme Court of the United States, and on the 20th of July 1843 said appeal was allowed, by the court, and made returnable at the next term of said Supreme Court of the United States, to be holden in Washington City the Second Monday in January in the year of our Lord one thousand eight hundred and forty four

Witness My hand and the Seal of the said Circuit Court, at New Orleans this sixth day of January A.D. 1844.—

Duncan S. Kenner Clerk

and having stated that the appellant has altogether failed to file the record of said case in this court or in any way to prosecute said appeal—Now here moved the court, in pursuance of the 13th rule of this court to have this appeal docketed and dismissed—

On Consideration whereof, It is now here ordered and decreed by this court that this appeal from the Circuit Court of the United States for the Eastern District of Louisiana be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice the said appeal notwithstanding.—

Jno. McLean.

Thursday February 1st 1814 Continued

William R. Hamilton vs.	The argument of this
B. Tod Jessie &	Cause was continued by
Leon of Joh. A. Custaw	Mr. Sergeant for the
	Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Friday February 2d 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley &	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

William R. Hansen Val	The argument of this cause
vs. The Pltff in Err	was continued by Mr Sargeant for
Lessee of John H. Eustace	the Plaintiffs in Error

Francois F. Vidal Val Appt	The argument of this cause was
vs. The	commenced by Gen. Cass for
The Mayor &c of Phil. & Stephen Girard &c	the appellants.

Proclamation being made the Court is adjourned until tomorrow

Saturday January 3d 1846.

pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

On motion first made to the court per Mr Bradley - It is ordered that Mortimer F. Delano Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Saturday February 3d 1844. Continued

On motion first made to the court in this behalf by Mr Berrien. It is ordered that Homer Bibb Esquire of the State of Georgia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.—

Benjamin S. Knapp Plaintiff in Error		An Error to the Circuit
vs.	to	Court of the United States
Edmund Banks —		for the Southern District
		of New York..

Mr Ogden of Counsel for the defendant in Error moved the Court to dismiss this writ of Error for the want of jurisdiction because the matter or sum in controversy exclusive of costs did not exceed Two thousand dollars which was opposed by Mr Benedict of counsel for the plaintiff in error who contended that although the judgment of the Circuit Court was only for one thousand Seven hundred and twenty dollars yet that the interest on that sum added would would make it exceed two thousand dollars. To which Mr Ogden rejoined that the right of the party to a writ of Error was controlled by the amount of the rendition of the judgment and could not be enlarged by subsequent Consideration whereof it is the opinion of this Court, that unless the Plaintiff in the court below

Saturday February 3d 1844. Continued

claims Two Thousand dollars or more and the ruling of the court is for a less sum, that he is entitled to a writ of Error, but that the defendant in the court below is not entitled to such writ where the judgment against him is for a less sum than Two Thousand dollars at the time of the rendition thereof - that this is the settled practice of this court. Whereupon it is now here ordered and adjudged by this court that this writ of Error be and the same is hereby dismissed for the want of jurisdiction. — Jr. McKinley Story.

Francois T. Vidal Val	The argument of this cause
12. vs. Appts	was continued by Gen.
The Mayor &c of Philadelphia	Jones for the appellants. —
& the Exors of Stephen Girard	

(Proclamation being made the court is adjourned until Monday morning at eleven O'clock

Monday February 5th 1844.

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster. It is ordered that Samuel Williams Esquire of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Monday February 5th 1844 Continued.

On motion first made to the court in this behalf by Mr Upshur Ordered that Robert A. Scantlin and Saml. Bellinghan Jr Esquires of the State of Vermont be admitted to practice as Attorneys and Counsellors of this court and they were severally accordingly.—

Benjamin C Knapp Appellant vs. Edmund Burke	It is now here ordered by the court that the Clerk do forthwith issue the mandate in this case.
Francois X. Vidal &c Appts vs The Mayor of Philadelphia & the Exrs of Stephen Girard	The argument of this cause was continued by Genl Jones for the appellants and by Mr Binney for the appellees.

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock.

Tuesday February 6th 1844.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Thomas Carroll. Clerk

proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr. Attorney General. It is ordered that R. B. Key Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Tuesday February 5th 1811 Continued.

On motion first made to the Court in this behalf by Mr White It is ordered that Richard S Ewing Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Cadwalader It is ordered that Wm L. Hirst Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Francisco X. Vidal &al 12. vs the Mayor &c of Philadelphia & the Exrs of Stephen Girard	The argument of this cause was continued by Mr Binney for the appellees

(Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock.

Wednesday February 7th 1844.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Benj. Howard It is ordered that S. Hope Land Esquire of the State of Maine be admitted to practice as an attorney and Counsellor of this court and he was accordingly —

Wednesday February 9th 1814. Continued.

Francois F. Vidal vs.	The argument of this cause
vs.	was continued by Mr.
The Mayor &c of Philadelphia	Binney for the appellees.
& Stephen Girard's Exrs	

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock.

Thursday February 8th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

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proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Binney. It is ordered that Isaac Hazlehurst Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thursday February 8th 1844. Continued.

Joanneas F. Vidal &al vs The Mayor &c of Philadelphia & Stephen Girard Exrs	The argument of this cause was continued by Messrs Binney & Sergeant for the Appellees.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Friday February 9th 1844.

Pursuant to agreement the Court met this morning at the Capitol

Present

The Honorable Joseph Story
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley
Peter V. Daniel
Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

John I. N. McCracken Jr. Appt. vs. Charles Haywood	This cause was submitted to the Court on the record & printed argument of Counsel.
Francois F. Vidal vs. The Mayor of Philadelphia Stephen Girard Exr.	The argument of this cause was continued by Mr Sergeant for the appellees.

Proclamation being made the Court is adjourned until tomorrow

Saturday February 10th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Francois F. Vidal et al vs The Mayor &c of Philadelphia & Stephen Girard & ors	the argument of this cause was commenced by Mr Webster for the appellants

Proclamation being made the Court is adjourned until Monday Morning at eleven o'clock

1819.

Monday February 21st 1844.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal -
William Thomas Carroll Clerk

proclamation being made the court is opened

Francois T. Nidal et al vs. The Mayor &c of Philadelphia & Stephen Girard's Exrs -	The argument of this cause was continued by Mr Webster for the appellants. -

proclamation being made the court is adjourned until tomorrow morning at eleven oclock. -

Tuesday February 13th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Webster. It is ordered that John J. Hardin Esquire of the State of Illinois be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday February 13th 1821 Continued

Francois X. Vidal vs.	The argument of
12. " appt	this cause was con-
The Mayor &c of Philadelphia	cluded by Mr Webster
& Stephen Girard's Exrs	for the appellants-

Robert Porterfield - appt	The argument of this cause
13. "	was commenced by Mr
Meriwether L. Clarke vs.	Morehead for the appellant

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.-

Wednesday February 14th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley
Peter V. Daniel
} Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Govr Jones. It is ordered that Richard S. Stow Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

1823.

Wednesday February 4th 1824 Continued.

Robert Patterson appt vs Henry Ther T. Clarke et al	The argument of this cause was continued by Mr. Meredith for the appellant.

proclamation being made the court is adjourned until tomorrow morning at eleven Oclock. –

Thursday February 15th 1844 -

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

proclamation being made the court is opened

Robert Patterson appt		The argument of this
13.	Th	cause was continued
Meriwether L. Clarke et al		by Messrs Chilton and Jones for the appellees

proclamation being made the court is adjourned until tomorrow morning at eleven o'clock -

Friday February 16th 1844.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

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proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Sergeant. It is ordered that Ashbel Green Jr. Esquire of the State of Pennsylvania and Jared L. Rosecrantz Esquire of the State of Michigan be admitted to practice as Attorneys and Counsellors of this court and they were severally sworn accordingly.

Friday February 15th 1844. Continued

The United States Appts vs Charles Jenkins, Alexander Chapin, John Haw, William Clark, George Langan, John Allen, Henry A. Jennings	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.

Mr Attorney General having suggested to the Court that Congress had legislated on the questions involved in this case in such wise as to render it unimportant how it may be decided and that the parties implicated were no longer in custody, moved the court to dismiss this case. On consideration whereof It is now here ordered and adjudged by this court that this case be and the same is hereby dismissed; and that this cause be and the same is hereby remanded to the said Circuit Court to be disposed of accordingly.

Jas M. Thos Story

Robert Porterfield Appt. vs Meriwether L. Clarke et al	The argument of this cause was continued by Genl Jones for the appellees

Friday February 16th 1844 Continued.

Henry Banks Appellant
vs
Robert M'Kay

Mr Henderson of Counsel for the plaintiff in Error having stated that this cause was filed and docketed during the last term and that no appearance had been entered in this Court for the defendant in Error nor any argument or brief submitted in his behalf although this was the second term that the case had been on the docket, moved the Court for leave to submit this case on the record and printed argument on behalf of the plaintiff in error under the 16th & 49th rules of this Court. On Consideration whereof, It is now here ordered by the Court that leave be and the same is hereby granted as prayed for. -

The State of Rhode Island
vs
The Commonwealth of Massachusetts

Mr Whipple of Counsel for the Complainant moved the Court to continue this Cause to the next term, which was opposed by Mr Webster of Counsel for the Respondent Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises, but time to consider. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock -

Saturday February 17th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Esquire —

On motion first made to the Court in this behalf by Mr Webster It is ordered that Edwin H. Sheppard Esquire of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly —

The State of Rhode Island		On consideration of
	vs	the motion made in
The Commonwealth of Massachusetts		this cause yesterday

by Mr Whipple of Counsel for the Complainant and of the objection

Saturday February 17th 1844. Continued.

of Mr Webster of Counsel for the Respondent. It is now here ordered by this Court that this Cause be and the same is hereby Continued to the next term of this Court.—

John Mumfihyval admr of William Mathews, dec'd 31 To Alexander Grant admr—	This cause was submitted to the Court on the record and printed arguments by Mr Ogden for the Plaintiff in Error and by Mr Nelson for the defendant in Error.—

Robert Thompson plff 36. To Thomas Griffin —	On the motion of Mr Henderson of Counsel for the defendant, this cause was submitted to the Court on the record and printed arguments of Counsel as well for the plaintiff as for the defendant.

Buchanan, Hagan & Co use of George Buchanan. plff 37. To William Timmins et al —	Mr Crittenden of Counsel for the plaintiff having stated that this was the third term that this cause had been on the docket and that the defendants had failed to have

Saturday February 17th 1844 Continued

an appearance entered for them or to file any brief or argument moved the court for leave to submit this cause on the record and printed argument in behalf of the plaintiffs - whereupon it is now here by the court that the leave prayed for be granted, and the cause was accordingly submitted. -

Glendy Burke - pltff in Er 81. " Robert McKay —	This cause was submitted to the court on the record and printed argument by Mr Henderson in behalf of the plaintiff in Error
Richard Nugent assignee of Elizabeth Yates a Bankrupt 158. " Appt George W. Boyd et al	Mr Henderson of counsel for the appellees having stated to the court that the arguments of counsel on both sides had been filed with the Clerk, moved the court for leave to submit this cause on the record and printed arguments of counsel on both sides - On consideration whereof, It is now here ordered by the court that the leave as prayed for be and the same is hereby granted. -

Saturday February 17th 1844 Continued

John S. Chapman pff vs Forsyth & Limerick —	On motion of Gov. Morehead of Counsel for the plaintiff and by consent of Mr. Loughborough of Counsel for the Defendants.

It is now here ordered by the Court that this cause be submitted on the record and printed arguments of counsel on both sides. —

William Kinney & Thomas Meeker Executors & Trustees of Robert Porterfield dec'd. Appellants. —

vs.

Meriwether L. Clark, William P. Clark, George R. H. Clark and Jefferson K. Clark a minor by the aforesaid George R. H. Clark his Guardian, heirs and devisees of Mr. Clark, dec'd and Robert O. Ann C, Geage W. and Frances Jane Woolfolk heirs of Geage Woolfolk dec'd Def'ts.

On appeal from the Circuit Court of the United States for the District of Kentucky. —

Gov. Morehead of Counsel for the appellant Kinney suggested to the Court the death of Robert Porterfield the appellant since the last Continuance of this cause and filed the appearance of his Executors and Trustees now here moves the Court that the appearance of the

Saturday February 17th 1844. Continued.

said Executors and Trustees be entered in this cause and that they be made appellants, to which Mr Cullenden of counsel for the appellees assented. And Mr Cullenden of counsel for the appellees having suggested the death of George Wolfish one of the appellees since the last continuance of this cause and filed the appearance of his heirs now here moves the Court that the appearance of the said heirs be entered in this cause and that they be made co appellees, to which Gen. Hoskins of counsel for the appellants assented. On Consideration whereof it is now here ordered by the Court that the appearance of William Kinney and Thomas S Mackie Executors and Trustees of Robert Patterson deceased, be entered as appellants, and that this cause be and the same is hereby revived in their names. and that the appearance of Robert C. Wolfish. Ann L. Wolfish, George W Wolfish and Frances Jane Wolfish the heirs of George Wolfish dec'd be entered as appellees and that they be and hereby are made co-appellees in this cause.

1833. Saturday February 17th 1833 Continued.

Robert Patterson & Wife v Lessee Appts 13 vs Meriwether L Clark &c	The argument of this cause was continued by Mr Chapman Johnson for the appellants.

Proclamation being made the Court is adjourned until Monday morning at eleven O'Clock.

Monday February 19th 1844.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable Joseph Story
John McLean
Henry Baldwin
James M. Wayne
John Catron
John McKinley
Peter V. Daniel
Associate Justices.

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Hale. It is ordered that Edmund Burke Esquire of the State of New Hampshire be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Monday February 19th 1835 Continued.

Andrew Pierce val vs. Pltff in Er The State of New Hampshire	On motion of Mr Hale of counsel for the Plaintiff in Error, and with the assent of Mr Burke of Counsel for the defendant in Error. It is now ordered by the court that leave be and the same is hereby granted to put this cause on the record and printed arguments of counsel on both sides at any time during the present week. —

John J Chapman Pltff vs. The Joseph H Kinnicut	This cause was submitted to the court on the record and printed arguments by Gov. Morehead for the Pltff in Error and by Mr Dougherty for the Defendants.

Robert Porterfield Exr of Winston vs. Pltff Meriwether L. Clark val	The argument of this cause was concluded by Mr Chapman Johnson for the appellants. —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday February 20th 1844 -

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

ON motion first made to the Court in this behalf by Mr Attorney General - It is ordered that Thomas P. Alvord Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. -

1837 Tuesday February 20th 1844 Continued.

The United States Appt vs. The Cargo of the Brig Malek Adhel —	The argument of this cause was Commenced by Mr. J. Collins Lee for the Appellants and Continued by Mr. Meredith for the Appellee —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 21st 1844.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Hale. It is ordered that John Cleveland Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Edmund P. Gaines & Wife -	On a certificate of division
vs. In Chancy	in opinion between the
Beard, Scheur, Richard Pagé,	Judges of the Circuit Court of
John Barnes & Wife & al	the United States for the Eastern

Wednesday February 28th 1844 Continued.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and on the points and questions which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel. On consideration whereof. It is the opinion of this court that the first question should be answered in the affirmative; but that the bill should be dismissed in the Circuit Court with costs, for the exceptions stated in the opinion of this court; and that the second and third questions should also be answered in the affirmative with the qualifications stated in the opinion of this court. Whereupon it is now here ordered and adjudged that it be so certified to the Judges of the said Circuit Court.

Jr. Mr Kinsley Mr Lean.

The United States appt vs The Judges of the Big Black Island	The argument of this cause was continued by Mr Meredith & Nelson for the appellees.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 22d 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John Gallam. Jr. &c vs Slemmer Cayer	In Error to the Circuit Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana, and it appearing to the Court that the case is removed here by a writ of Error to an interlocutory order or decree in Chancery. It is therefore now here ordered and adjudged

Thursday February 22nd 1844 Continued.

by this court that this writ of Error be and the same is hereby dismissed and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and justice. Pr. Mr. Justice McLean.

The United States Appt vs The Cargo of the Brig Malek Adhel.	The argument of this cause was continued by Mr. Nelson for the appellee and concluded by Mr. Johnson for the appellants.

Pierre Chouteau Junr. Plff in Er. vs William Eckhart ——	This cause was submitted to the court on the record and printed arguments by Messrs Sawtelle & Biggs for the plaintiff in Error and by Mr. Gamble for the defendant in Error.

David A. Hall, Assignee in Bankruptcy of John Walker vs The Bank of Washington ——	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.

Proclamation being made the court is adjourned until tomorrow morning at eleven Oclock.

Friday February 23d 1844.

Pursuant to adjournment the court met this morning at the Capitol—

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Lessee of John Pollard et al vs Jeffries et al vs Joseph Y. Tyler —	The argument of this cause was commenced by Mr Cope for the plaintiff in Error, continued by Mr Sergeant for the defendant in Error and concluded by Mr Cope for the plaintiff in Error —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

1843.

Saturday February 24th 1844.

Pursuant to adjournment the Court met this morning at the Capitol—

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate Justices
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal.
William Thomas Carroll Clerk—

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Wright It is ordered that James G. Clinton Esquire of the State of New York and Edwin R. V. Wright Esquire of the State of New Jersey be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

Saturday February 24th 1844 Continued.

On Motion first made to the Court in this behalf by Mr Webster It is ordered that William H. Hubbard Esquire of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

Glenday Burke Plff in Error &c. vs Robert McKay &c.	in Error to the Circuit Court of the United States for the Southern District of Mississippi.-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel On Consideration whereof, It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.- Jr. M. Mr. Mr. Story.-

Saturday February 24th 1844 Continued

Ex parte In the matter of Charles F. Tibbald 2 vs The United States	This case was submitted to the Court on the record by Mr Webster of Counsel for the petitioner.
Robt Brockett val &c 109 vs appts William Brockett val &c	Mr Brent of counsel for the appellees moved the court to dismiss this appeal upon the following grounds. — "1st For irregularity, on account of the failure of the appellant to give the proper appeal bond, the bond given having been executed by only a part of the defendants in the court below — 2nd That notwithstanding said bond may be regular, the appeal ought to be dismissed as to that part, taken from the refusal of the court below, to open the final decree made upon the 10th of May 1843, the said refusal having been made in the discretion of the court below and not a final decree or order from which an appeal can be taken". Whereupon it is now here ordered by this court that this motion be and the same is hereby set down for argument on next Saturday the 2d of forfirms.

Saturday February 24th 1844. Continued.

Andrew Pierce vol pffin 111 vs The State of New Hampshire	This cause was submitted to the Court on the record and printed arguments by Mr Hale for the plaintiff in Error and by Mr Burke for the defendant in Error.

Lyman A. Spalding pffin 154 vs The People of the State of New York ex rel Lewis F. Backus	Mr Beardsley of Counsel for the defendant in Error moved the Court to dismiss the writ of Error and for leave to take out execution on the judgment of the Court below on the ground that the bond was not good being in terms to the People ex Backus on Consideration whereof the Court is of opinion that the bond is good and if so suits may be sued in the name of the People or of the Relator at the option of the Government whereupon it is now here ordered by the Court that said motion be and the same is hereby overruled.

Ex parte The City Bank of New Orleans, in the Matter of Mr Christy a Bankrupt vs	Mr Hemmens having filed and read in open Court the following motion in writing "The City Bank of New Orleans

Saturday February 24th 1844 Continued.

John H. Anderson their Attorney, move the Hon'ble Supreme Court of the United States for their writ of Prohibition to the Hon'ble Theo. H. McCaleb Judge of the District Court U.S. for the Eastern District of Louisiana sitting and proceeding summarily as a court in Bankruptcy to return and prohibit the said Judge from further hearing and entertaining the petition and complaint of William Christy assignee in Bankruptcy of Daniel T. Walden against The City Bank of New Orleans for reasons alleged; that said court hath no jurisdiction by proceedings in Bankruptcy of the matter of said petition as per record, suggestions and petition filed in this court of this date. Now here moved the court for leave to submit the same. Whereupon it is now here ordered by the court that leave be and the same is hereby granted to submit the same on next Saturday the 2d proximo, all the papers being first printed.

The Bank of the United States 25. vs. Plff in Er The United States	The argument of this cause was commenced by Mr Leadwalader for the Plff in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday February 28th 1848

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

The Bank of the United States pltff in Err. vs. The United States -

The argument of this cause was continued by Mr Attorney General for the defendants in Error and by Mr Sergeant for the plaintiff in Error. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

1849.

Tuesday Febuary 27th 1844.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Benjamin Homer Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened -

John L. Chapman ppff.	On a certificate of division
125.	in opinion between the
Henry H. Forgy & Thomas Limerick	Judges of the Circuit
Merchants & Copartners, understood by	Court of the United
the firm name & Style of Forgy & Limerick	States for the District of
	Kentucky -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and on the points and question

Tuesday February 27th 1844. Continued.

on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel on consideration whereof, it is the opinion of this Court, 1st That the fiduciary debts, contracted before the passage of the Bankrupt law, constitute no objection to the discharge of the same person for other debts. 2nd That a factor, who owes his principal money received on the sale of his goods, is not a fiduciary debtor within the meaning of the act. — 3rdly. That unless a fiduciary creditor shall come into the Bankrupt court, prove his debt & he is not bound by the discharge but may sue for and recover his debt from the discharged Bankrupt, by showing that it was within one of the exceptions of the first section. Whereupon it is now here ordered and adjudged by this court that it be so certified to the said Circuit Court. Jr. Mr. Thos. McKean.

The Bank of the United States
vs. In Eff in Er
The United States

The argument of this cause was concluded by Mr Sergeant for the Plaintiff in Error.

Tuesday February 27th 1844. Continued.

Francois Xavier Vidal, John Jacques Girard & al Citizens & Subjects of the Monarchy of France & Stephen Girard	On appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.
12. vs	
The Mayor Aldermen & Citizens of Philadelphia & the Exors of Stephen Girard decd	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel. On consideration whereof. It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed, with costs. — Jr. Mr Justice Story.

William A. Bromgole & al —	This cause was submitted to the Court on the record & printed argument of Mr Walker for the plaintiff in Error.
26. vs Pltff in Er	
The Farmers & Merchts Bank of Memphis —	

Lessee of Robert Gilpin & al	The argument of this cause was commenced by Mr Choate for the plaintiff in Error.
27. vs Pltff in Er	
John J. Astor & al —	

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday February 28th 1844.

pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll, Clerk

proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Sanford It is ordered that Hamilton Fish Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

Robert Thompson pltff	On a certificate of division in opinion between the Judges
vs.	of the said Circuit Court
Thomas Griffin & Hugh Ewin	of the United States for

Wednesday February 28th 1844 Continued

for the Southern District of Mississippi.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel On Consideration whereof it is the opinion of this Court, that Satisfaction should not be entered on the execution of Fieri facias which was issued out in this case on the 4th of June 1840 in favor of the said Robert Thompson against the said Thomas Griffin and Hugh Ervin for the sum of $17.10cts with interest and costs: and further that the execution of Fi: Fa. which was issued out against the said Thomas Griffin and Hugh Ervin on the 5th day of Nov. 1841 should not be quashed: and that the motion of the plaintiff in the Circuit Court should be overruled. Whereupon it is now here ordered and adjudged that it be so certified to the said Circuit Court.—

Jno. McKinley Daniel

Wednesday February 28th 1844 Continued

Buckhanan Hagan Use for the use of Geo. Buckhanan &c. pltff. in Error to William Simms, Recpt Campbell & John G. Andrews	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof it is the opinion of this court that the return of the marshal of the 17th of February 1840 should not under the facts disclosed in this case be quashed. Whereupon it is now here ordered and adjudged by this court that it be so certified to the said Circuit Court.

Jos. M. Hr. Daniel.

1855.

Wednesday February 28th 1855 Continued

Lessee of Robert Gray et al vs John S. Astor et al	The argument of this cause was continued by Mr Chase for the plaintiff in error and by Mr Gillespie for the defendants in error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday February 29th 1844.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	John Catron	Justices.
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the court is opened

On motion first made to the Court in this behalf by Mr Sand it was ordered that Augustus Schell Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.—

Isaac of Relat Grignon Val.	The argument of this cause was
27. vs Pfff in Er-	continued by Mr Sand for the
John J. Astor Val	defendant in Error & concluded
	by Mr Choate for the pltff in Error

Thursday February 29th 1844. Continued.

Richard Nugent, a prisoner &c Elizabeth Taylor in Bankruptcy. 158. 115 George W. Boyd Sol —	This cause was submitted to the court on the record and printed arguments of Mr. Nugent for the appellant and by Messrs Lockett and Nelson & Mr. Henderson for the appellees.

On proclamation being made the court is adjourned until to-morrow morning at eleven o'clock —

Friday March 1st 1844.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	John Catron	Justices
	John McKinley &	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll, Clerk.

Proclamation being made the court is opened

William A. Brengle, Fulwood G. Turnbull & Charles A. Locke	In Error to the Circuit Court of the United States for the Southern District of Mississippi
vs.	This cause came on to be heard on the
The President Directors & Company of the Farmers & Merchants Bank of Memphis	transcript of the record

from the Circuit Court of the United States for the Southern District of Mississippi, and was argued by counsel - On consideration whereof it is ren-

Friday March 1st 1844. Continued.

Then ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to enter judgment for the defendants.—

Jr. M. Jus. Story.—

John Murphy v. John Farrington
Exrs of William Mathews dec'd
31. To Jeffs &c
Angus Stewart, admr of Hector Grant dec'd

On Error to the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.—

Jr. M. Jus. Story.—

Friday March 1st 1844. Continued.

Nathaniel Burnett appt 29 vs Joseph Mandeville Exmr	the argument of this cause was commenced by Mr Seale for the appellant.

As a tribute of respect to the memory of the highly distinguished public and private individuals whom until the whole country now mourns, Mr Attorney General moved the adjournment of the court and that it attend their funeral which he accompanied with appropriate remarks.

To which Mr Justice Story replied

I am directed by the court, in reply to the communication of Mr Attorney General, to say that the Judges receive it with deep sensibility, and will most cordially unite in the measures adopted by the President and the two Houses of Congress to pay all due honors to the memory of the distinguished gentlemen whose death we all so sincerely deplore; and we shall attend the funeral of the deceased with a melancholy satisfaction. We sympathise with the Executive and Congress and with the whole country in a profound sorrow for the loss sustained by the public & the

Friday March 1st 1844. Continued.

sudden and awful calamity. It indeed teaches all of us the frailty of human life, and admonishes us in the most affecting manner of our duties and our duty- We shall therefore adjourn until next Monday, that we may be the better enabled to pay the last tribute of respect to the remains of these eminent citizens.-

Proclamation being made the court is adjourned until Monday Morning at eleven Oclock.-

Monday March 4th 1844.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate
	James M. Wayne	Justices.
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Lee it is ordered that Richard H. Dana Jr Esquire of the State of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

On motion first made to the Court in this behalf by Gen Jones it is ordered that Josiah Pratt Esquire of the District of Columbia be admitted

Monday March 4th 1844. Continued.

to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

John Randel Jr Appt vs William Penn Brown.	Appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel. On Consideration whereof. It is now here Ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to enter a decree for the complainant conformably to the opinion of this court, and that the respondent pay the costs in both courts. Pr. Mr. Jus. McKinley. —

William Penn Brown. Appt vs. John Randel Jr. —	On appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the transcript

Monday March 4th 1844 Continued.

of the decree from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel on consideration whereof, It is ordered, adjudged and decreed by this court that this appeal be and the same is hereby dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that court to proceed therein conformably to the opinion of this court in this case on the appeal of the complainant.

Pr. Mr Justice McKinley.

James Stoddard vs.	The argument of this
34. To	cause was commenced
Harry W. Chambers	by Mr Ewing for the
	Plaintiffs in Error and

continued by Gen. Jones for the Defendant in Error and by Mr Ewing for the Plaintiffs in Error.

Proclamation being made the court adjourned until tomorrow morning at eleven O'clock.

Tuesday March 5th 1844.

Pursuant to adjournment the court met this morning at the Capitol –

Present

The Honorable	Joseph Story	
	John McLean	
	Henry Baldwin	Associate Justices.
	James M. Wayne	
	John Catron	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk –

Proclamation being made the Court is opened.

The Court announced its determination to adjourn next Saturday week the 15th instant.

Simeon Stoddard vs.	The argument of this cause
M. " vs Jeffris –	was concluded by Mr Ewing
Harry M. Chambers	for the plaintiffs in Error. –

Tuesday March 5th 1844. Continued.

Nathaniel Burwell appl vs Joseph Mancini & al. resp.	The argument of this cause was continued by Mr. Neale for the appellant and by Mr. Smith for the appellees.

proclamation being made the court is adjourned until tomorrow morning at eleven Oclock.-

Wednesday March 6th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Joseph Story
John McLean
Henry Baldwin
James M. Wayne
John Catron
Peter V. Daniel
Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

Robert Barnwell Rhett
vs
Robert J. Pox
Writ of Error

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by Counsel On consideration whereof It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum

Wednesday March 6th 1844. Continued

The United States appt 20. vs The Brig Malek Adhel, her tackle, apparel and furniture and Cargo, Peter Harmony & others Claimants.	On appeal from the Circuit Court of the United States for the District of Maryland. This cause came on to be heard on the transcript

of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel. On Consideration whereof, It is now here ordered and adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. — Jos. McKinley.

Peter Harmony & Claimant of the Brig Malek Adhel, her tackle, apparel & furniture and Cargo. — Appts 21. vs The United States.	On appeal from the Circuit Court of the United States for the District of Maryland — This cause came on to be heard on the transcript

of the record from the Circuit Court of the United States for the District of Maryland and was argued by counsel. On Consideration whereof, It is now

Wednesday March 5th 1844. Continued.

here ordered, adjudged and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed without costs.

Pr. Mr. Thos. Story.—

Nathaniel Burwell appt vs Joseph Mandeville & others	the argument of this cause was continued by Mr. Smith and Gen. Jones for the appellees and concluded by Mr. Love for the appellants

proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.—

Thursday March 7th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	Associate Justices
	John M'Lean	
	Henry Baldwin	
	James M. Wayne	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Gen! Jones - It is ordered that William F. Frisby Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Sargeant - It is ordered that Calvin Mason Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thursday March 7th 1844. Continued

Charles Patterson Appt v. Edmund P. Gaines Appe	It is now here ordered by the court that this cause be held under advisement and that the same be and hereby is continued to the next term of this court.

Andrew Pierce use &c Appt vs. The State of New Hampshire	It is now here ordered by the court that this cause be held under advisement, and that the same be and hereby continued to the next term of this court.

Richard Nugent, assignee of Elizabeth Norton, in Bankruptcy vs. Appt George W. Boyd &c	It is now here ordered by the court that this cause be held under advisement, and that the same be and hereby is continued to the next term of this court

John Galt Pff in Er vs. James Phalen &c	The argument of this cause was commenced by Mr Cope for the plaintiff in Error, continued by Mr R. J. Brent for the defendants in Error, and concluded by Mr Cope for the plaintiff in Error.

Thursday March 7th 1844. Continued.

John M'Keough Jr & ca 33. vs Laurent Millaudon & al	It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court.
Austin L. Adams & al 35. vs Jeffries Julia Robert & al	The argument of this cause was commenced by Mr. Soule for the plaintiffs & con-

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Friday March 8th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	Associate
	Henry Baldwin	Justices -
	James M. Wayne &	
	John Catron	

Alexander Hunter Esqre. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr. Sergeant - It is ordered that Perry G. Ellsworth Esqre of the State of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly -

Austin S. Adams Def. in Error	The argument of this
35. vs	cause was continued by
Julia Roberts —	W. S. Brent for the
	defendant in Error.

Friday March 8th 1844 Continued.

Ex parte In the matter of Charles F. Gibbald - appt vs The United States —	On appeal from the Supreme Court for the District of East Florida

On Consideration of the petition filed in the above entitled cause it is the opinion of this court that it has no power to grant the relief prayed. Whereupon it is now here ordered and adjudged by this court that the petition be and the same is hereby dismissed —

per Mr. Justice Story

William Henderson — vs to Affirm John Anderson — —	On motion of Mr Walker of Counsel for the defendant in Error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court —

Sally Padgett - Affirm vs to Richard M. Roland val	This cause was argued by Mr Coxe for the Plaintiff in Error. —

Friday March 8th 1844 Continued

James Brown pff in Er No. vs John Clark	On motion of Mr Walker of Counsel for the Defendant in Error. It is now here ordered by the Court that this cause be and the same is hereby Continued to the next Term of this Court.

Michael Musser Val Jany partnership pffs No. vs William A. Lake	On motion of Mr Walker of Counsel for the defendant. It is now here ordered by the Court that this Cause be and the same is hereby Continued to the next term of this Court.

Rowan & Harris pffs No. vs Hiram G. Runnels	On motion of Mr Walker of Counsel for the defendant in Error and with the assent of Gen! Jones of Counsel for the Plaintiffs in Error. It is now here ordered by the Court that this Cause be and the same is hereby Continued to the next Term of this Court.

Friday March 8th 1844. Continued.

Roman & Harris pffs &c.
vs
Hiram G. Runnels.

On motion of Mr Watkins of Counsel for the Defendant in Error and with the assent of Genl Jones of Counsel for the plaintiffs in Error It is ordered by the Court that this cause be and the same is hereby Continued to the next term of this Court.

James Rhoes pffs in Er.
vs
Moses Bell ——

The argument of this cause was commenced by Mr W. L. Brent for the plaintiff in Error and Continued by Mr Hoban for the defendant in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven Oclock

Saturday March 9th 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	Associate
	Henry Baldwin	Justices
	James M. Wayne &	
	John Catron	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

William R. Hansom, Joseph I. Mos, Isaac Phillips, Joseph M. Mos & David Samuel vs. The Same & Joseph in Error Lessee of John H. Eustace	In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the

Saturday March 9th 1844 Continued.

paid Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo. — Wm. Mr. Chs. Wayne

John D. McCracken vs Charles Hayward —	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Illinois.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Illinois and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by counsel - On Consideration whereof, It is the opinion of this Court - 1st That the motion made the plaintiff's counsel ought to be granted in manner and form as the same is asked; 2d That the return of the Marshal on the execution as set forth, dated May 16, 1842, under which the property was

Saturday March 9th 1844 Continued

appraised and not sold because two thirds of the appraised value was not bid therefor should be set aside as insufficient: 3d That the court should direct the Marshal to sell the property levied on in the usual mode at Public Auction to the highest bidder, without having the same valued by three freeholders, without regard to the valuation which has been made, and without requiring two thirds of said valuation to be bid therefor. 4th That the Court should direct the Marshal to proceed and sell the property levied upon without regard to the provisions of the act of February 27th 1841 of the Legislature of Illinois, and the rule adopting said law at the June Term 1841; and 5th Thirdly that the court should direct the enforcement of said judgment according to the laws regulating the remedy when said judgment was entered and the contract made. Whereupon it is now here ordered and adjudged by this Court that it be so enforced by the Judges of the said Circuit Court.—

Jas. M. Ira. Baldwin.—

Saturday March 9th 1844 Continued

The President Directors and Company of the Bank of the United States ppff in Er. vs. The United States	On Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to award a venire facias de novo. —

Js. M. Mc. Kennon. M. Lean.

John Scott, use &c ppff in Er. vs. The Sheriff of the District of Wyoming in Luzerne County. —	Mr. Howard of Counsel for the defendants in Error moved the Court to dismiss this writ of Error for the want of jurisdiction in the following grounds to wit that the Record below the act incorporating the defendants was given in evidence and objected to because Michigan, at the passage, was a territory,

Saturday. March 9th 1844. Continued

and not a state. But it was received, and this decision is supposed to be the subject of review by this court. It will be contended that it is not embraced within any of the clauses of the Judiciary act.

A deed from three persons purporting to be Judges of the United States was also admitted in evidence. It will be contended that this decision is not subject to be reviewed under any clause of the said act. and which motion was opposed by Mr Woodbridge of counsel for the plaintiffs in Error. Whereupon it is now here ordered by the court that this motion be and the same is hereby continued to the next term of this court.

Lucius W. Stockton &al. 1st
vs
Harriet Bishop —

Mr Dear of counsel for the plaintiffs in Error moves the court to quash the writ of fieri facias issued out of the Circuit Court for the Western District of Pennsylvania.

Because it appears by the record filed in this court, that the final judgment in the case was rendered in the Circuit Court on the 7th Dec. 1843. That on the 15th Dec. 1843. within the time limited

by law for that purpose the defendants with sufficient security filed their bond in error which was approved by the Judge of the District Court so as to operate as a Supersedeas.-

That the writ of error was issued out in due form and time, and that a citation was regularly taken out and served upon defendant in error and duly returned.

And it now is made to appear to the Court that notwithstanding the premises, the plaintiff in the Circuit Court, the defendant in error cannot a writ of fieri facias to be issued and placed in the hands of the Marshal, upon the judgment obtained in said cause on the 11th day of January 1841.

Whereupon this Court not being now here sufficiently advised of and concerning what error to render in the premises, took time to consider.

Robert Brockett val — vs — Appt
William Brockett-Val

Mr Brent of counsel for the appellee moved this Court to dismiss this appeal upon the following grounds —

"1st For irregularity in account of the failure of the appellants to give the proper appeal bond

Saturday March 6th 1844 Continued

the land given, having been executed by only a part of the defendants, in the court below and for other reasons in the record.—

2nd That notwithstanding said bond may be regular, the appeal ought to be dismissed, as to that part taken from the refusal of the court below to open the final decree made upon the 10th of May 1843, the said refusal having been made in the discretion of the court below and not a final decree or order from which an appeal can be taken.

3rd That the parties are not named in the writ of error and citation which was opposed by Messrs Neale & Bradley of counsel for the appellants. Whereupon this court not being now here sufficiently advised of and concerning what order to render in the premises took time to consider.—

William Taylor et al
vs
George M. Savage Exr of
Samuel Savage —

The motion made in this cause on a prior day of the present term of this court, viz. on Saturday the 13th day of January by Mr Sergeant to dismiss this appeal, was argued by Messrs Sergeant and Meredith in support of the same and by Messrs Brillenden and Berrien of counsel for

Saturday. March 9th 1844. Continued

for the appellants against the motion. Whereupon this court not being now here sufficiently advised of and concerning what order to make in the premises took time to consider.

Charles Spring, claimant of the Schooner Catharine, her tackle apparel & furniture - Appt 22 vs The United States. Libellants	On appeal from the Circuit Court of the United States for the Southern District of New York

And afterwards to wit. At Albany General Term having filed the consent in writing of the Counsel for the appellant that this appeal should be dismissed, now here moved the court to dismiss this appeal. Whereupon it is now here ordered and decreed by this court that this appeal be and the same is hereby dismissed and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice

per Mr. Ch. Justice Story

Saturday March 9th 1844 Continued

The United States Appellants vs Barclay & Livingston, claimts of 123 packages of Glassware.	In Error to the Circuit Court of the United States for the Southern District of New York.

Mr Attorney General having filed the consent in writing of the Counsel for the defendants in Error that this case should be dismissed now here moved the court to dismiss this writ of Error. Whereupon it is now here ordered and adjudged by this court that this writ of Error be dismissed and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice.

Pr Mr Justice Story.

The United States Appellants vs Benjamin Whiting	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Alabama.

Mr Attorney General moved the court to dismiss this Case and to remand the same to the Circuit Court of the United States for the Southern District of Alabama. Whereupon it appearing to the court that the point certified

Saturday March 9th 1844 Continued

has been repeatedly decided by this court not to be within its competency, because the question whether a new trial should be granted or not is one peculiarly for the consideration of the court below. It is now here ordered and adjudged that this cause be dismissed and that the same be and hereby is remanded to the said Circuit Court to be proceeded in according to law and justice.

Pr. Mr. Justice Story

Hugh Ross admr of Hiram Pratt dec'd Appt
vs
William Reuben Mullen

Mr Allen Genl of Counsel for the appellee moved the court to dismiss this appeal for the want of jurisdiction on the ground that the matter in dispute controversy did not exceed $2000 exclusive of costs. Whereupon this court not being now sufficiently advised of and concerning what order to make in the premises took time to consider.

William I Moore Majr
vs
Joseph & Stubal Tillotson

This cause was submitted to the court on the record and printed arguments by Mr Walker

Saturday March 9th 1844. Continued.

for the plaintiff in Error and by Mr Webster for the defendant in Error.

James Rhodes plff in Er
45 vs
Moses Bell

The argument of this cause was continued by Mr Bradley for the defendant in Error, and concluded by Mr W. S. Bunt for the plaintiff in Error.

153 Ex parte the City Bank of New Orleans. In the matter of William Christy, assignee of Samuel T Walden a Bankrupt vs The City Bank of New Orleans

Mr Henderson moved for leave to argue this petition in support of the same and which motion was opposed by Mr Spillenden.

Whereupon this court not being now sufficiently advised of and concerning what order to render in the premises took time to consider

proclamation being made the court is adjourned until Monday morning at eleven oclock.

Monday March A.D. 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
The Hon'ble	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Hugh Ross admr of the estate of Hiram Pratt, dec'd	An appeal from the Circuit Court of the United States for the District of Illinois
vs. The Appt	
William Prentiss, Marshal of the District of Illinois	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Illinois, and it appearing that the sum or value in controversy do not exceed two thousand dollars exclusive of costs. It is therefore now here ordered

. Monday . March 11 1844 Continued

and decreed by this Court that this writ of Error be and the same is hereby dismissed for the want of jurisdiction and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law & justice.

Jos. M. Thos. Story.—

On the opening of the Court this morning Genl Walker Jones (in the absence of the Attorney General) announced to the Court the death of the Venerable Gabriel Duvall, many years an Associate Justice of the Court; and though long retired from the bench, still fresh in the remembrance of his associates for his ability and conduct as a Judge, and for every manly virtue that can adorn and dignify a public or a private station—

General Jones, after a heartfelt eulogium on the public and private character of the deceased from the first dawn of his public career as a zealous undaunted and efficient patriot of the revolution, to the close of his honored life; and after a feeling expression of his own individual affection and respect for the person of the venerable man who had honored him from his youth with a

Monday. March 11 1844. Continued.

friendship and intimacy not frequent between persons so unequal in age. and station, moved that the preamble and resolutions, adopted at a meeting of the Bar and Officers of the Court be inserted in the records of the courts proceedings, and that the Court do now adjourn for the day.

"Supreme Court room. Monday 11 March 1844.

"At a meeting of the Bar of the Supreme Court of the United States and the Officers of the Court assembled in consequence of the recent death of the Venerable Gabriel Duvall late an associate Justice of this court, the following preamble and resolutions were proposed by Genl. Walter Jones and unanimously adopted by the meeting.

"Being now assembled, for the third time during the present Term of the Supreme Court, to pay the grateful and just tribute of respect to the memory of the honored dead; at no occasion have we performed that solemn office with sincerer feelings of reverence and affection than those of which the expression is now called forth by the death of the Venerable Gabriel Duvall, after he had lived to an extreme old age, with all the mental vigor

Monday March 11th 1844. Continued

honors and all the respect and esteem which had adorned and made happy the brightest periods of his spotless life, reposing, year after year, into deeper reverence: who, after most faithful and able service as an Associate Justice of the Supreme Court, for a period of twenty four years, retired from the Bench - eight years ago, carrying with him the undivided respect and esteem of his associates on the Bench, and of the Bar, for his high and invaluable qualities as a Judge and a man, for having brought to the judicial function, profound learning applied with sound judgment to the practical administration of justice with a pure and unmixed love of justice for its own sake, with conduct and manners at once benignant, firm and dignified, the general result of an habitual dignity, firmness and independence of soul:

Therefore, Resolved, that the members of this meeting wear the customary badge of mourning during the present term of the Court -

Resolved, that the Chairman and Secretary communicate a copy of these proceedings to the family of the deceased, accompanied by assurances of the condolence of the members of this meeting

Monday March 15th 1841 Continued

in the heavy affliction with which they have been visited.

Resolved, that the Attorney General be requested, in behalf of this meeting, to present these proceedings to the Supreme Court in session, and respectfully to ask that they may be entered on the minutes of the Court.

John Sergeant, Chairman.

"Boyd & Howard Secretary."

To which Mr. Justice Story made the following reply.

"The Court received with the most profound affected sincerity the remarks, which have been made at the Bar upon the death of our late venerable friend and colleague, Mr. Justice Duvall. His virtues, his courtesy, his gentle manners, his firm integrity and independence, and his sound judgment, so eloquently and truly stated at the Bar, are entirely concurred in by all of us, who had the pleasure of knowing him. His revolutionary services and patriotic acts belong to the general history of his country. For myself, having had the honor of an appointment to this Bench upon the same day, that he received his, we were during his whole judicial

Monday. March 11th 1844. Continued.

life for about a quarter of a century contemporary although he was advanced in years far beyond myself. I can therefore bear my own testimony to the justice of the eulogiums which has been pronounced at the Bar, upon his social and judicial qualities. They will long be cherished in our memories with grateful satisfaction — The court therefore, direct the resolutions of the Bar to be placed upon the records, and will now adjourn as a just tribute of respect to the deceased." —

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock. —

Tuesday March 12th 1844 —

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	Associate
The Chief	Henry Baldwin	Justices.
	James M. Wayne &	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk —

Proclamation being made the Court is opened

James Sanford & Charles B. Sanford — Plffs in Er vs William Brown, James Brown, Samuel Brown, Saml. Nicholson and William C. Brown, partners using the name & Style of Brown Brothers & Co	In Error to the Circuit Court of the United States for the Southern District of Alabama — (W Brown of Counsel for the defendants in error having

filed and read in open Court the following certificate viz — "United States of America Southern District of Alabama

I David Tiles Clerk of the Circuit Court of

Tuesday March 12th 1844 Continued

the United States for the fifth judicial Circuit and Southern District of Alabama, do hereby certify that at a term of the said Circuit Court begun and held in the South Monday of November in the year of our Lord one thousand eight hundred and forty two, on the 31st day of December 1842 being a day of said term Wm Brown, James Brown, Stewart Brown, Saml Nicholson and William E. Brown partners using the name and style of Brown, Brothers & Co recovered a judgment against James Sanford and Charles B. Sanford for the sum of Two thousand eight hundred and seventy five dollars damages besides costs of suit. And that on the 27th day of March A.D. 1843 the said James Sanford and Charles B. Sanford applied for and obtained a writ of Error returnable to the next Term of the Supreme Court of the United States to be held at the City of Washington on the Second Monday in January next, to reverse said judgment, and entered into Bond with Security for the prosecution of the said writ of error, conditioned according to law.

In Testimony Whereof, at Office in the City of Mobile I have hereunto set my hand and affixed the Seal of said Circuit Court this thirty

Tuesday March 12th 1895 Continued

first day of May in the year of our Lord one thousand eight hundred and forty three

David Files 6th, C.C.
So. Dist. Ala"—

and having stated that the plaintiffs in Error had altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of error. Now here moved the Court, in pursuance of the 13th rule of this Court to have this writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Circuit Court of the United States for the Southern District of Alabama be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding—

Jos. McThos. Stony.—

Tuesday March 12th 1844 Continued.

Haddens Sanford pltff in Err vs. in William Brown, James Brown, Stewart Brown, Sam'l Nicholson & William & Brown, partners using the name and style of Brown, Brothers & Co.	On Error to the Circuit Court of the United States for the Southern District of Alabama.

Mr Baron of counsel for the Defendants in Error having filed and read in open court the following certificate, viz:

"United States of America,
Southern District of Alabama.

I, David Sibley Clerk of the Circuit Court of the United States for the fifth Judicial Circuit and Southern District of Alabama, do hereby certify, that at a term of said Circuit Court begun and held in and for said Southern District of Alabama at Mobile on the second Monday of March A.D. 1843, in a certain cause wherein Brown, Brothers & Co were plaintiffs and Haddens Sanford was defendant, the following proceedings were had, viz:

"This day came the plaintiffs by their Attorney and it appearing that in assessing said plaintiffs damages, the clerk of this court omitted to include the sum of two hundred and fifty — being ten

Tuesday . March 12th 1844. Continued

per cent damages on the Bills of Exchange sued upon, and moves the Court now here that the judgment by default rendered in this cause at the November Term last part of this Court be now corrected and entered upon as of said Term, which motion is granted. And now this day that is to say on the 31st day of December A.D. 1842, came the said Plaintiffs by their Attorney and the said defendant being solemnly called came not but wholly made default whereby the said Plaintiffs therein against him remain altogether undefended, it is therefore considered by the Court on motion, that the said William Brown, James Brown, Stewart Brown Junr. Nicholson and William C. Brown Plaintiffs do recover against the said Thaddeus Sanford defendant the sum of Thirty one hundred and seventy six dollars and twenty five cents, their damages as assessed by the clerk of this Court together with their Costs. And that on the 27th day of March A.D. 1843 the said Thaddeus Sanford applied for, and obtained a writ of error, returnable to the next Term of the Supreme Court of the United States, to be held in the City of Washington on the second Monday of January next, to reverse said judgment, and

Tuesday. March 12th 1844 Continued.

entered into Bond with Security for the prosecution of said writ of Error, conditioned according to law.—

In Testimony whereof, at Office in the City of Mobile I have hereunto set my hand and affixed the Seal of said Circuit Court this thirty first day of May in the year of our Lord one thousand eight hundred and forty three. David Files

Seal

Clk. C.C. So. Dist. Ala.

and having stated that the plaintiff had altogether failed to file the record of said cause in this Court, or in any way to prosecute said writ of error— Now here moved the Court in pursuance of the 43d rule of this Court to have this writ of error docketed and dismissed— On Consideration Whereof, It is now here ordered and adjudged by this Court that this writ of error to the Circuit Court of the United States for the Southern District of Alabama be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice, the said writ of error notwithstanding.— Wm. McRee Story —

Tuesday March 12th 1844 Continued.

Nathaniel Burwell Appt vs Samuel Cannon & William G. Gardner Execrs of Joseph Mandeville dec'd & John West	On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On Consideration Whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Js. M. Jno. Story.

Wm Taylor, George Taylor, Wm Primrose & Elijah Simpson Geo. Porter & Abel Thomas Jr. Wm Young Alexander Young & Reynold Young vs Geo. M. Savage Exr of the last will & Testament of Sam'l Savage dec'd	On appeal from the District Court of the United States for the Southern District of Alabama. This cause came on to be heard on the transcript of the record

Tuesday March 12th 1844. Continued

for the District Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration whereof, it is ordered and decreed by this Court that this appeal be and the same is hereby dismissed, and that this cause be and the same is hereby remanded to the said District Court with leave to the appellants to make the proper parties and to the new Administrator Bonham to become a party to the suit, and that such other proceedings be had therein as to law and justice shall appertain.—

Per Mr Justice Story.

Lucius W. Stockton and Daniel Moore Plffs in Er. 151. vs. Harriet Bishop —	In Error to the Circuit Court of the United States for the Western District of Pennsylvania.

On Consideration of the motion made in this cause on a prior day of the present term of this Court, viz. Saturday the 9th instant by Mr Cope of Counsel for the plaintiffs in Error, It is now here ordered by this Court that a writ of Supersedeas be and the same is hereby awarded, to be directed to the Marshal of the United States for the Western District of Penn=

Tuesday March 12th 1844 Continued.

pylvania commanding and enjoining him and his Deputies to stay away and all proceedings upon the writ of Fieri-Facias issued from the Circuit Court of the United States for the Western District of Pennsylvania the 11th day of January 1844 on a judgment obtained in said Circuit Court by Harriet Bishop against Thomas W. Stockton and Hamil Alone and that he return the said execution with this Supersedeas to the said Circuit Court. And it is by this court now here further ordered that the Judges of the said Circuit Court cause the said writ of Execution to be quashed.— Per Mr Justice Story.—

Alexander McNutt, Govr &c
vs
Richard I. Bland Val

On Consideration of the motion made in this case on a prior day of the present term of this Court, that is to say, on Wednesday the 31st day of January It is now here ordered by this court that the suggestion of Bond's death be entered on the record, and that then judgment be entered against Humphreys alone as the Survivor, and that the Mandate of this court direct the Circuit Court to enter judgment for the Plaintiff against Benjamin C. Humphreys alone

Tuesday. March 12th 1844. Continued.

Robert Brockett vs
Jog. vs Appl
William Brockett vs

On consideration of the motion made in this cause on a prior day of the present term of this court, to wit, on Saturday the 9th instant by Mr Brent of counsel for the appellees, and of the arguments of counsel thereupon had, as well for as against the motion. It is now here ordered by the court that said motion be and the same is hereby overruled.

Ex parte: The City Bank of New Orleans.
In the matter of Wm Christy assignee of Daniel T. Walden a Bankrupt vs The City Bank of New Orleans.—

On consideration of the motion made in this case on a prior day of the present term of this court, to wit, on Saturday the 9th instant by Mr Hennen for leave to argue at this term the application for a prohibition in this case. It is now here ordered by this court that said motion be and the same is hereby overruled, and that this case be and the same is hereby continued to the next term of this court.—

Tuesday March 12th 1844 Continued.

Hugh Ross Admr of Hiram Pratt - appt 155. vs Mrs Beatties, Marshal &c	Mr Evans of counsel for the appellant moved the Court to rescind and annul the order dismissing this appeal entered in this case yesterday. Whereupon it is now here ordered by this Court that the said motion be and the same is hereby overruled. —
William Speight Comr &c 39. vs Joseph &c William B Stokes &c Survivors &c —	The argument of this cause was commenced by Mr Flannigan for the plaintiff in Error continued by Mr Cox for the defendants in Error and concluded by Mr Walker for the plaintiff in Error.
Jane Wade - appt - 46. vs Thomas Irwin Exor &c	This cause was submitted to the Court by Mr Neale of Counsel for the appellant on a printed argument.

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock.

Wednesday March 13 1844.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	Associate
the Chief	Henry Baldwin	Justices
	James M. Wayne &	
	John Catron.	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Genl Jones. It is ordered by the Court Henry May Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Jane Slade. Appt	This cause was argued by
vs.	Genl Jones for the appellee and
Thomas Irwin's Exr val.	by Mr Brent for the appellant.

Wednesday. March. 13. 1844. Continued

Swan Lawrence pltff in Er vs Robert McCalmont defdt	the argument of the cause was commenced by Mr Wood for the Plaintiff in Error and continued by Mr Lord for the defendant in Error. —
proclamation being made the court is adjourned until tomorrow morning at eleven oclock.	

Thursday March 11th 1844

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
The Chief	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Lyman Laurence - pff in Er
vs
Robt McCalmont vac

The argument of this cause was concluded by Mr Ward for the plaintiff in Error, the Court having declined to hear Mr Sergeant or any further argument for the defendants in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday March 15 1844 –

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Joseph Story	
	John McLean	
The Honble	Henry Baldwin	Associate Justices
	James M. Wayne &	
	John Catron	

Alexander Hunter, Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

William Kinney & Thomas J. Mechie Exrs & Trustees of Robert Patterfield, dec'd – appls

vs

Meriwether L. Clark, William P. Clark, George R. H. Clark and Jefferson K. Clark a minor by the aforesaid George R. H. Clark his Guardian heirs and devisees of William Clark, dec'd and Robert O. Ambler George W. and Frances Jane Woolfolk heirs of George Woolfolk dec'd & others. –

On appeal from the Circuit Court of the United States for the District of

Friday March 15th 1844. Continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel - On consideration whereof, It is now here ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs. - Js. M. Thos. Catron.

Austin L. Adams and Ann C. Harding - Appellants 35. To Julia Robert —	In Error to the Circuit Court of the United States for the District of Columbia holden in and the County of Alexandria.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by counsel - On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. — Js. M. Jno. Wayne. —

Friday March 15th 1844. Continued.

The Louisville, Cincinnati & Charleston Rail Road Company vs. Thomas W. Gibson	In Error to the Circuit Court of the United States for the District of South Carolina.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of South Carolina and was argued by counsel. On Consideration whereof, It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

Js. McKinley Thos. W. Gibson.

Lessee of Robert Grignon, Peter B. Grignon & Morgan L. Martin vs. John J. Astor, Ramsay Crooks Robert Stuart & Lewis Thompson	In Error to the Supreme Court of the Territory of Wisconsin.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Wisconsin, and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this court that the

Friday March 15th 1844 Continued

judgment of the said Supreme Court of the Territory of Wisconsin in this cause be and the same is hereby affirmed with Costs. —

Pr Mr Justice Baldwin —

The Bank of Ky &c in Error vs James Phalen & Francis Morris. —	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On consideration whereof it is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of six per centum per annum. —

Pr Mr Justice Baldwin. —

Friday March 15th 1844 Continued

Sally Sadiga Plff in Er.	In Error to the Supreme
vs	Court of the State of
Richard de Manrow Roland,	Alabama. —
and Peter Keiser	

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama and was argued by Counsel. On Consideration Whereof It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of the State of Alabama in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court of the State of Alabama that further proceedings may be had therein in conformity to the opinion of this Court and as to law and justice shall appertain.

Jos. M. Fis Barbour

James Rhodes Plff in Er.	In Error to the Circuit
vs	Court of the United States
Mees Bell	for the District of Columbia
	holden in and for the

County of Washington. — This cause came on to be heard on the transcript of the record from the

Friday March 15th 1844. Continued

Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel On Consideration whereof, It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Jos. M. Mc Lean.

Jemima Woodward, Caleb Woodward, Hannah Woodward, Anthony Woodward, William Woodward, Joseph Bunnell, & Lucy his wife, Jonas Foster and Lavinia Foster his wife. Lucy Hoyne and Daniel Morgan and Anne his wife. —

34. vs. Pltffs in Er —

Harry M. Chambers

In Error to the Circuit Court of the United States for the District of Missouri.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Missouri and was argued by Counsel. On Consideration whereof. It is now here ordered and adjudged by this court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded

Friday March 15th 1844. Continued.

to the said Circuit Court with directions to award a venire facias de novo.—

Mr. Justice McLean.

Jane Lodge. appt 46. Thomas Irwin Jr. Exor of Thomas Irwin dec'd et al—	On appeal from the Circuit Court of the United States for the District of Columbia holden in & for the County of Alexandria

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On Consideration whereof, It is now here ordered and decreed by this court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with cost.—

Mr. Justice Story.

Proclamation being made the court is adjourned until tomorrow twelve Oclock

Saturday March 9 1844.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Joseph Story	
	John McLean	
The Chief	Henry Baldwin	Associate Justices
	James M. Wayne	
	John Catron	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Genl Jones It is ordered that Robert G. Scott Esquire of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the court in this behalf by Mr Walker. It is ordered that Thomas H. Seymour and W. P. St. Fitzgerald Esquires of the State of [illegible] be admitted to practice as attorneys and counsellors of this court and the were severally sworn accordingly.

Saturday March 15. 1845. Continued.

Lessee of John Pollard, Wm Pollard, John Fowler & Harriet his wife, George Huggins & Louisa his wife & Joseph & Eliza his wife & Henry P. Enoighs & Phebe his wife. pff in Er. vs Joseph T. Yeiles —	In Error to the Supreme Court of the State of Alabama. —

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Alabama and was argued by counsel. On Consideration whereof, It is now ordered and adjudged by this court that the judgment of the said Supreme Court of the State of Alabama be and the same is hereby reversed with Costs, and that this cause be and the same is hereby remanded to the said Supreme Court that further proceedings may be had therein in conformity to the opinion of this court and as to law and justice shall appertain.

Jr. Mr Justice Catron —

Pierre Chouteau Lessee pff in Er. vs William Eckhart. —	In Error to the Supreme Court of the State of Missouri. —

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri and was

Saturday March 16 1844. Continued

argued by Counsel. On Consideration whereof
It is now here ordered and adjudged by this
court that the judgment of the said Supreme
Court of the State of Missouri in this cause be and
the same is hereby affirmed with costs. —

Wm. Mr. Hus. Catron —

William John Minor vs
Buchanan his Arfe-pfpnts
28. vs
Thubal Tillotson —

In Error to the Circuit
Court of the United States
for the Eastern District
of Louisiana —

This cause came on to
be heard on the transcript of the record from
the Circuit Court of the United States for the
Eastern District of Louisiana and was argued
by Counsel — On Consideration whereof. It is now
here ordered and adjudged by this court that
the judgment of the said Circuit Court in this cause
be and the same is hereby affirmed with costs. —

Wm. Mr. Hus. McLean. —

Sally, alias Sally Padiza vs. Richard D. Roland and Peter Keifner.	In Error to the Supreme Court of the State of Alabama.

Mr Crozier having suggested to the Court that this case was the same as No 38 which was placed on the docket, because the record of this case was irregular and defective, now here moved the Court to dismiss the same. Whereupon it is now here considered ordered and adjudged by this Court that this cause be and the same is hereby dismissed at the costs of the Plaintiff in Error.

Per Mr Justice Story.

Susan Laurence plff in Er vs. Robert McCalmont, Hugh McCalmont and William Johnson Newell.	In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel.

On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of

Saturday March 15 1844 Continued.

the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. —

Ps. Mr. Chs. Story. —

Nelson F. Shelton. appt
vs.
Clayton Tiffin & Lilburn
P. Perry. —

Mr. Jones having stated that he had just received the transcript of the record in this case which was ready to have filed and placed on the docket, now here move the court to rescind and annul the order and decree dismissing this appeal on a prior day of the present Term of this court, viz. on Thursday the 1st day of February —

On Consideration whereof it is now here ordered by this court that the said order and decree of the 1st February in this case be and the same is hereby rescinded and annulled at the costs of the appellant. —

Ps. Mr. Chs. Story. —

Hugh Ross admr of
Hiram Pratt dec'd. appt
vs.
Wm Rankin, Marshal &c

On motion of Mr. Evans of counsel for the appellant and with the assent of Mr. Attorney General of counsel for the appellee.

Saturday March 15 1844 Continued.

It is now here ordered by this court that the order and decree dismissing this appeal entered on a prior day of the present term of this court, on Monday the 11th instant be and the same is hereby rescinded and annulled, and that this cause be and the same is hereby continued to the next term of this court.-

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William Fearight Complt
39. vs Pltff in Error
William B. Stokes & al

It is now here ordered by the court that this cause be and the same is hereby continued to the next term of this court for re argument.-

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It is now here ordered by the court that all the cases on the docket not decided, and all the other business of the term not disposed of by the court, be and the same are hereby continued over to the next term of this court.-

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Proclamation being made the court is adjourned to the time and place appointed by law.-

December Term 1821

At the Capitol of the United States in the City of Washington and District of Columbia being the Seat of the National Government of the United States on the first Monday of December (being the second day of the same Month) in the year of our Lord one thousand eight hundred and twenty one and of the Independence of the United States the forty sixth Which the Supreme Court of the United States was agreeably to Law

Present:

The Honorable	Roger B. Taney	Chief Justice
	John McLean	Associate Justices
	James M. Wayne	
	John McKinley	
	Peter V. Daniel	
	Alexander Hamilton Esquire	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened

The Chief Justice announced to the Bar that the Court would commence the call of the Docket to-morrow under the 35th rule

Proclamation being made the Court is adjourned until to-morrow morning at eleven O'clock

Monday December 3d 1804

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John M'Lean	
	James M. Wayne	
	John Catron	Associate Justices
	John M'Kinley	
	Peter V. Daniel	
Alexander Hamilton	Esquire	Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Attorney General. It is ordered that Willis Hall and George P. Lewis Esquires of the State of New York be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Tuesday December 5th 1820 Continued

1.	William Y Hunt plff in Er vs John D Mefford ext	This cause having been called for argument and no Counsel appearing to argue the same It is therefore now hereby ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 35th rule of this Court
2.	Lydam & Boyd plffs vs Ephraim G Peyton	This cause having been called for argument and no Counsel appearing to argue the same It is therefore now hereby ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 35th rule of this Court
4	James A & Jas Dickson plffs vs William H Wilkinson admr of John F Wilkinson dec'd	This cause was argued by Mr Brady for the Plaintiffs
5.	William M Gunn plff in Er vs Buchanan Hagan & Co	This cause having been called for argument and no Counsel appearing to argue the same It is therefore now hereby ordered by the Court that this cause be and the same is hereby postponed to the first of the docket under the 35th rule of this Court

Tuesday December 3d 1844 Continued

5	Isaac Cooper Pltff in Er. vs John Mathys	This cause having been called for argument and no Counsel appearing to argue the same. It is therefore ordered by the Court that this cause be and the same is hereby dismissed to the cost of the defendt under the 33d rule of this Court.
7	David A. Hall Assignee in Bankruptcy of John Walker vs Pltff in Er. The Bank of Washington	This cause was submitted to the Court on the second and printed arguments by Messrs Brent & Brent for the Plaintiffs in Er and by Mr Walton for the defendant in Error.
8	William Henderson Pltff in Er. vs John Andrews	This cause was submitted to the Court on the second and printed argument by Mr Conrad for the plaintiff in Error.

Tuesday December 5th 1854 Continued

John McCullough Jeff'n &c vs Lamont Mellandon & al	Mr Cook of Counsel for the defendants in Error moved the Court to dismiss this Writ of Error on the following grounds to wit:-

1st Because the writ of error is irregular and not in accordance with law, being issued and signed by the Clerk of the Supreme Court of the State of Louisiana, and not by the Clerk of the Supreme or Circuit Courts of the United States.-

2d Because the record does not show any jurisdiction in the Supreme Court of the United States under the 25th Section of the Judiciary Act of 1789.

3d Because the judgment sought to be reversed is not a final judgment of the said State Court in which action was opposed by Mr Merrick of Counsel for the plaintiff in Error who moved the Court to assign next Monday for the argument of the same. Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth now take time to consider

Tuesday January 5th 1864 Continued

	John Sam et al Appts vs John H Lee et al	Mr Guthrie on behalf of Mr Warden of Counsel for the appellants moved the Court to assign the 1st day of February next for the argument of this cause Whereupon it is now ordered by the Court that the said motion be and the same is hereby granted

Proclamation being made the Court adjourned until tomorrow morning at Eleven O'clock

Wednesday December 1st 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate Justices
	John McKinley	
	Peter V. Daniel	
Alexander	Wolcott Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened

At the opening of the Court this morning Mr. Nelson the Attorney General of the United States addressed the Court as follows.

"I have been requested this morning to present to your Honors a series of Resolutions adopted yesterday at a meeting of the Members of the Bar and other Officers connected with this National tribunal expressive of their admiration of the character and respect for the memory of the Hon Henry Baldwin late an Associate Justice of this Court.

In acquitting myself of

this melancholy duty, I cannot forbear the expression of my sincere concurrence in all that my brethren have testified of the distinguished merits of the deceased, with whose friendship, originating in an intimate association in the popular branch of the National Legislature, I have for years been honored. —

I have known him as we all knew and appreciated him as frank, generous and benevolent as a man; and as pure and profound and independent, as a Judge; and whilst the resolutions, which I hold in my hand, evidence the consideration, in which his illustrious Services, political and judicial, covering more than thirty years of the history of this Commonwealth, are held by those who have adopted them, I am sure that I shall not be regarded as presumptuous in assuming, that they equally won for him the esteem, confidence and affection of his brethren on the Bench.

In this assurance I now present these resolutions to your Honors, which after they shall have been read, I respectfully move may be entered on the minutes of your proceedings." —

"At a meeting of the members of the Bar of the Supreme Court of the United States, and of the Officers of the Court, at the Court room in the Capitol, on the 3d day of December A.D. 1852.

Wednesday December 5th 1821 Continued

The Honorable James Buchanan was called to the Chair and the Hon'ble William T. Dugan appointed Secretary

The following resolutions were submitted by the Hon'ble Garret D. Wall and unanimously adopted: -

Resolved, that the Supreme Court of the United States and the County have sustained in the death of the Honorable Jesse Baldwin a loss of extensive learning, unblemished integrity, pure religion and shining abilities to have as a laborious practitioner at the Bar has prepared and disciplined his mind for the severe studies and more responsible duties of the Bench, and as first to the profession having long and faithfully pursued the one and him entirely discharged the other.

Resolved, that this meeting sincerely laments Judge Baldwin's decease in the midst of a career of usefulness and that the members of the Bar and Officers of this Court will wear the usual badge of mourning during the residue of the term.

Resolved, that the Chairman and Secretary transmit a copy of these res-

feelings to the family of the deceased, and assure them of our sincere condolence on account of the great loss they have sustained."

Resolved, that the Attorney General be requested to move the Court that these resolutions be entered on the minutes of their proceedings.

Jas. T Buchanan Chairman"
Wm. T Carter, Secretary."

To which Mr. Chief Justice Fauquier replied as follows,-

"The Court very sincerely unite with the Bar in the testimony of respect proposed to be offered to the memory of our departed Brother. We have at the present term, as at the last, assembled together under painful circumstances, and are again called upon to deplore the loss of one who for many years was associated with us in the duties of the Court; and whose great learning commanded the confidence of all who had an opportunity of knowing him. He was indeed full of the learning of the Law. Strikingly familiar with its records and decisions, on ancient as well as modern times; and perhaps scarcely any one can

fully appreciate his high claims to respect, unless he can retire to his own home in the calm discussions of the evening, and learn from home to form discussions the various obstacles and difficulties which are continually arising. He summary for his legs and deeply deplores it; and shall direct these proceedings to be entered on the records of the Court, as evidence of the respect and regard which we ever entertain for him."

Order of Court.

Ordered that the Court will not hear arguments on Saturday (unless for special cause it shall order to the contrary) but will devote that day to the other business of the Court: and that on Friday in each week during the Sitting of the Court, motions in cases not required by the rules of the Court to be put on the docket shall be entitled to preference, of such motions shall be made before the Court shall have entered on the hearing of a cause upon the docket, and the Rule No. 34 adopted at February Term 1834 be and the same is hereby rescinded

Wednesday December 5th 1832 continued

11.	James Brown pltff in Ca. vs Robin Clark	This cause having been called for argument and no Counsel appearing ready to argue the same. It is therefore now ordered by the Court that this cause be and the same is hereby continued to the fast of the docket under the 33d rule of this Court.
12.	Richard Mallory et pltffs vs William A. Fake	This cause having been called for argument and no Counsel appearing ready to argue the same. It is therefore now ordered by the Court that this cause be and the same is hereby postponed to the fast of the docket under the 33d rule of this Court.
13.	Duncan & Mason appellants vs Miriam C. Runnels	On motion of Genl Adams it is now here ordered by the Court that his appearance as counsel for the plaintiffs in Error be and the same is hereby stricken out.

Wednesday December 5th 1832 Continued.

14.	Reuben S Hanes Appellant &c vs Hiram G Runnels	On motion of Gen Stone it is ordered by the Court that he appear as Counsel for the plaintiffs in Error and the Same is hereby Stricken out.
15.	Emily Winthrop et al Appellants vs The City of La Fayette et al	This cause was argued by Mr Cook for the Appellants, and Submitted on printed argument by Mr Thomas in behalf of the Appellants.
16.	John Hanes, Plaintiff &c Appellant vs The United States	On motion for Mr Attorney Gent of Counsel for the defendant in Error. It is ordered by the Court that this cause be and the Same is hereby postponed to the foot of the docket.
17.	Andrew Aldridge et al Appellants vs Nathaniel F Williams (U S)	The argument of this cause was commenced by Mr Johnson for the plaintiffs in Error and continued by Mr Attorney Gent for the defendant in Error.

Wednesday 6th December 1st 1815 continued

Proclamation being made the Court is adjourned until 9 oclock tomorrow morning at which

Thursday December 5th 1811

Pursuant to adjournment the Court met this morning at the Capitol —

Present

The Honorable	Roger B Taney	Chief Justice
	John M'Lean	
	James M Wayne	
	John Catron	Associate Justices
	John M'Kinley	
	Peter V Daniel	

Miranda Custis Clarke Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Andrew Aldridge et al Plff in Er. vs Nathaniel F Williams et al	The argument of this cause was continued by Mr Attorney General for the defendants in Error and concluded by Mr Johnson for the plaintiffs in Error

17

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock

Friday December 5th 1845

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Marshal	Roger B Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate Justices
	John McKinley	
	Peter V Daniel	

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Attorney General It is ordered that Benjamin Willcox Bell Esquire of the State of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court on this behalf by Mr Cope It is ordered that William L Dayton and John C Ten Eyck Esquires of the State of New Jersey be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly

Friday December 5th 1845. Continued

On motion first made to the Court in this behalf by Mr Anderson It is ordered that Samuel Shumbo Esqure of the State of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

On motion first made to the Court on this behalf by Mr Rhodes Winston It is ordered that Wm L. Brackett Esqure of the State of Maine be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

9	John McGeough pltff in Er. vs Samuel Williamson Def	The motion of Mr Lowe to dismiss this writ of Error was argued by Messrs Winston & Winston in support thereof and by Messrs Mandeville and Jones in opposition to the same. —
33.	Estate of John Pollard Def pltff in Er. vs James Thorp & al	On motion of Mr Seymour of Counsel for the defendants in Error It is ordered by the Court that this cause shall not be called for argument before the first week in January next of the present term.

Friday December 2d 1853. Continued.

38.	The State of Maryland use of Washington County pltff in Error vs The Baltimore and Ohio Rail Road Company.	On motion of the Sergeant of Counsel for the plaintiff in Error. It is now ordered by the Court that this cause shall not be called for argument before the first week in January next of the present term, provided the Counsel for the defendant in Error assent thereto.

Proclamation being made the Court is adjourned until Monday morning at eleven O'clock

Monday December 9th 1811

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Peyton S. Nancy	Chief Justice
	John McLean	
	James M Kayne	
	John Cahon	Associate Justices
	John A Kinley	
	Peter V Daniel	

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Attorney General it is ordered that C. J. Ingersoll Esqr. of the State of Maryland be admitted to practice as an and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court on this behalf by Mr Key it is ordered that F. W. Jones Esqr of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Monday December 9th 1844 Continued

9.	John M'Cargo plff in Er vs Samuel Mattingly & al	The argument of the motion to dismiss this case was concluded by Mr Crie in support of the motion
18.	Peter Lane & al 1956 vs John M. Clark & al	This cause was argued by Mr Chilton of Counsel for the Appellees
19.	The United States plff in Er vs Richard Wolcott	This cause was argued by Mr Attorney General for the plaintiff in Error
21	Samuel Swinton, a S vs plff in Er Francis Taylor, Jonathan Settle, and Samuel Taylor	On mo to the Circuit Court of the United States for the Southern District of New York

Mr Attorney General having filed the consent in writing of the Counsel for the defendants in Error that this cause should be dismissed without Costs to either party as against the other, now here moved the Court to dismiss this writ of Error. Whereupon it is now here ordered and adjudged by this Court that this writ of Error be and the same is hereby

Monday 1st December 9th 1841 Continued

dismissed without costs to either party as against the other and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice — per Mr Ch Van Hagy

22	Estate of Angelica Cogan & al vs pltff John Nelson	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr Mulnix for the plaintiff
23.	James Kindall pltff in ct vs William D Mosier & al	The argument of this cause was commenced by Mr Crist for the plaintiff in Error

Decision being made the Court is as follows viz by Morris Chief Justice

Tuesday December 10th 1844

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Peyton S Carey	Chief Justice
	John McLean	
	James McMaster	
	John Calvin	Assistant Justices
	John McKinley	
	Peter V Daniel	

Alexander Coutts Esquire Marshal

William Thomas Barrett Clerk

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Harden Heretofore that Williams Esq of the State of Vermont be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Tuesday December 11th 1838. Continued

23	James Kendall Plff in Er vs William B Stokes & al	The argument of this cause was continued by Mr Dent for the Plaintiff in Error continued by Mr Key for the defendants in Error and by Genl Jones for the Plaintiff in Error
119	James Barry Plff in Er vs Hamilton F Lamb	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr Swartz for the Plaintiff in Error and by Mr Hamilton for the Defendant in Error

Proclamation being made the Court is adjourned until tomorrow morning at Eleven O'clock

Wednesday December 11th 1844

Pursuant to adjournment the Court met this morning at the Capitol

Present

His Honour	Peter V. Daniel	Chief Justice
	Joseph Story	
	John McLean	
	James M. Magnr	Associate Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened.

On motion being made to the Court on this behalf by Mr Wallworth. It is ordered that Henry Pattle Esquire of the State of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

John McDougall Plff in Er.	On consideration of the motion
vs	made in this cause on a prior
Samuel Mellwaine et al	day of the present term of this
	Court it is on Tuesday the

Wednesday December 11th 1805 Continued

		Said motion by Mr Gen to dismiss this writ of Error one of the arguments of Counsel thereupon had as well in support of as against the said motion. It is now here ordered by this Court that the said motion be and the same is hereby overruled.
25.	Lessee of Mrs L Brown & wife pltff in Er. vs Joseph Clements & al	On consideration of the motion filed in this cause by Chas Jones of Counsel for the Defendants in Error to dismiss this writ of Error. It is now here ordered by this Court that the said motion be and the same is hereby Granted
23.	Amos Kendall pltff in Er. vs William B. Stokes & al	The argument of this cause was concluded by Chas Jones for the Plaintiff in Error
19.	The United States pltff in Er. vs Richard Wheatfield	This cause was submitted to the Court on behalf of the defendant in Error on a printed argument by Mr Hopkins

Wednesday December 11th 1850. Continued

James Lewis Jr et ux vs The City of Boston	This cause having been called for argument and no Counsel appearing ready to argue the same It was ordered by the Court that this cause be and the same is hereby postponed to the first day of the next Rule of this Court.

Ex parte: Thomas Wilson Dorr in Petition for a writ of Habeas Corpus & writ of Error to the Supreme Court of the State of Rhode Island	Mr Crenshaw of Counsel on behalf of said Dorr moves the Court that a writ of Habeas Corpus issue forthwith to bring out the said Dorr to Washington & pursuant unto you now an affidavit & Petition for a writ of Error on his own behalf and to present the same to the end that the whole record of the Supreme Court of the State of Rhode Island in said cause may be subjected to the Revision of the Supreme Court of the United States and the error therein corrected. The facts in this cause briefly stated are First. That said Thomas W. Dorr was arrested for Treason against the State of Rhode Island aforesaid & Imprisoned at the term of the Supreme Court of Rhode Island holden on the fourth Monday of

August 1842, and had in pursuance of said Indictment and aforesaid of guilty having been rendered by the jury in the case, was on the twenty fifth day of June last sentenced to be imprisoned in the State Prison at Providence, in the County of Providence for the term of three natural lives, and there kept at hard labour according to said sentence."

Second. That a Suspension of the Sentence for one day, was allowed by the Supreme Court of Rhode Island, for the purpose of preparing a Bill of Exceptions, "with a view to having and a writ of Error to the Supreme Court of the United States" and a Bill of Exceptions was prepared and made a part of the Record at pages 52.

Third. — That the Court refused to suspend the Execution of the Sentence, and to await the decision of the case by the Supreme Court of the United States upon a writ of Error, although it was stated that the imprisonment of the Defendant would disable him from prosecuting his defence. See Record pages 1857.

Fourth. That the Counsel of the State pressed to bid said Thomas W Dorr sign, seal & publish a writ of Error as aforesaid.

Wednesday December 11th 1844 Continued

Sixth. That the Governor of the State of Rhode Island refuses and, as he alleges, for want of power to do said Dorr Sign, or Seal, Such a petition.

Sixth That sundry citizens of Providence aforesaid have signed a petition to this Hon. Court for a writ of error or for a writ of habeas Corpus which petition is now presented with this motion.

The documents, papers and evidences herewith submitted are prayed to be considered as a part of this motion consisting

First. Of the petition of sundry citizens of Rhode Island named in the sixth specification of facts aforesaid, marked One

Second. Of the affidavit of Samuel Wilkinson Esq marked Two with the letter of Thomas M. Burgess Esq Mayor of Providence marked three annexed

The affidavit of John S Eddy Esq. marked Four and the affidavit of Francis C Brownell marked Five, with the letter of said Brownell to the Mayor of Providence annexed, are marked A

Third. The Record of the trial, Verdict and Judgment aforesaid, certified by Wm Updike Clerk of said Court.

Wednesday December 11th 1849 Continued

South. The petition presented by Gen. Cameron & Thomas M. Burgess Mayor of Pawtucket and referred by him with this title was also

Fifth. The Report of the Select Committee of the House of Representatives upon the affairs of Rhode Island by Edmund Burke Esq. Chairman.

The points relied upon for a reversal of the sentence are three all of which the Supreme Court of the State of Rhode Island overruled.

First. That the act of the State of Rhode Island for punishing treason, was repugnant to the Constitution and laws of the United States and that the term of treason cannot be committed against a Sovereign State but against the United States and cited for error Wheaton 5 p. 412.

Second. That said Dorr was Governor of the State duly elected under the Defacto Constitution or Republican Constitution & form of Government & had the official to leave those facts. Record p. 50 & 51.

Third. That the whole Record shows that said Dorr levied war & all, it was against the United States, and cannot be inquired of by any State Court.

The authorities relied upon in arguing & maintaining of the case to this Court are

Wednesday December 11th 1850 continued

First. The third article of Constitution of the United States which vests the Power of this Court Second. The twenty fifth Section of the Judiciary act of 1789 which prescribes the mode of its exercise by writ of Error.

The writ of Habeas Corpus in this case, is, & ought in law & of right, the process by which under the Constitution of the United States, can not be suspended, but in the two contingencies mentioned in the second clause of the ninth Section of Article First.

The necessity of the writ of Habeas Corpus in this case exist, because the Supreme Court of the State of Rhode Island, and the Inspectors of the State Prison at Providence, have shown contempt in the view of the exercise of the "Constitutional right" of final Error, "to have his sentence examined by that tribunal whose province it is to construe the Constitution and laws of the Union." See opinion of the Supreme Court in Cohens v Virginia 6th Wheaton, and 3d of Story's Com on Con. pp 525."

Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises post pones the

Wednesday December 11th 1811 Continued

present the remainder of the same

Proclamation being made the Court is adjourned
until to morrow morning at eleven O'Clock A.

Thursday December 12th 1822.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Tho. Todd	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	Robt. Trimble	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made & the Court on this day Walter Jones Esquire was ordered that Washington Court & County of the State of Virginia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thursday December 17th 1835. Continued.

Wm McCauch Esqr &c &c Samuel Millander & ux	The cause at this term was commenced by Mr Meredith for the plaintiff on Oyer and continued by Mr Hood for the defendants on Oyer

Proclamation being made the Court rose until to morrow morning at Eleven O'Clock.

1831.

Friday December 13th 1833

Pursuant to adjournment the Court this morning met at the Capitol

Present

The Circuit	Wm Dawes	Benj Carter
	Wm D Lewis	
	Robt McLean	
	Jno A McHenry	Edward Duncan
	John Cahen	
	John McKnelger	
	Peter V Daniel	

Francis Cutts Coxe Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Henry Conrad It is ordered that Henry Seth Esquire of the State of Illinois be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

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On motion first made to the Court in this behalf by Mr Carter It is ordered that Henry J Lee Esquire of the State of Rhode Island be admitted

to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

William Anderson &c vs John Anderson	Error to the Circuit Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with cost and damages at the rate of Six per centum per annum

Jas. M. Mills Clk

William Scraggs Admr &c vs Office &c William B. Hooke for &c	On motion of Mr Mathis of Counsel for the Plaintiff in Error. It is ordered by the Court that this cause shall not be called up for argument before the first Monday of January next of the present term of this Court.

Friday December 15th 1843 Continued

Thomas L Black & al Petitioners vs All Creditors &c	35.

Mr Webb of Counsel for the Plaintiffs in Error in this cause now here moves the Court to grant the writ of Error issued out of the Circuit Court of the United States for the Eastern District of Louisiana in the following words to wit.

1st That the execution issued improvidently, because within the ten days allowed by law, a writ of error and supersedeas citation issued and served with adequate security given.

2d That Thomas L Black filed his petition for the benefit of the Bankrupt act of the 19th of April 1842 and on the 5th of May 1843 was duly declared Bankrupt and Hiram G Sibley appointed his Assignee, and that the alleged sale of the Stock was on the 30th of April last after the petition of Bankruptcy and before an assignee was appointed. Whereupon the said Court being now sufficiently advised of and concerning what order to make in the premises, took time to consider.

Ex parte

The City Bank of New Orleans. In the matter of Mr. Christy, assignee of Daniel S Waldin a Bankrupt &c. The City Bank of New Orleans

2.

Mr Cullenden now moved the Court to postpone the argument of this motion for a prohibition and which was opposed by Mr Wilde. On consideration whereof, It is now ordered by the Court that the said motion of Mr Cullenden be and the same is hereby overruled.

Ex parte.

The City Bank of New Orleans. In the matter of Mr Christy, assignee of Daniel S Waldin a Bankrupt &c The City Bank of New Orleans

2.

The motion made in this case for a prohibition to the District Judge of the United States for the Eastern District of Louisiana on the 23rd day of February last at the last January term of this Court, was now argued by Mr Wilde in support of the motion and by Mr Cullenden against the same

Friday December 15th 1843 Continued

13	Brown & Jones Appellees vs Brown & Runnells	On motion of Mr Hunter of Counsel for the defendant in Error and with the consent of Mr Nelson of Counsel for the Plaintiff in Error It is ordered by the Court that this cause be and the same is hereby passed to the foot of the Docket.
14	Brown & Jones Appellees vs Brown & Runnells	On motion of Mr Walker of Counsel for the defendants in Error and with the consent of Mr Nelson of Counsel for the Plaintiffs in Error It is ordered by the Court that this cause be and the same is hereby passed to the foot of the Docket.

Proclamation being made the Court is adjourned until Monday morning nine O'Clock

Monday December 15th 1834

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble	Peter V. Daniel	Assc. Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Assc. Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clk

Proclamation being made the Court was opened

Ex parte

The City Bank of New Orleans - Upon the petition of Mr Christy assignee of Daniel A Coddington a Bankrupt of the City Bank of New Orleans

The argument of this motion was concluded by Mr Henderson in support of the same.

Monday December 15th 1834 Continued

J.	John McDonogh pltff in Er. vs Laurent Millaudon & al	The argument of this cause was resumed by Mr Eustis for the defendant in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock

Tuesday December 4th 1821

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Circuit	Jno. J. Jones	Chief Justice
	Joseph Story	
	John McLean	
	James M Kinzie	Assoc. Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John McCreagh Plff in Er vs Samuel McClanahan et al	The argument of this Cause was continued by Mr Lee for the defendants in Error and by Mr Sims for the Plaintiff in Error

J

Proclamation being made the Court is adjourned

Wednesday December 8th 1824

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Tyler B Saney	Chief Justice
	Joseph May	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	
	Elie N. Daniel	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court is opened

Order of Court

Ordered that no pleading a written argument be hereafter received unless the same shall be signed by an Attorney or Counseller of this Court.

9.	John McCargo &c vs Samuel Millaudon et al	On this case a printed argument has been offered to the Court on behalf of the defendants signed with the names of John McKinley and Isaac T. Preston as Counsel which contains language highly unbecoming and disrespectful to the Court. It is therefore ordered that the said argument be not received, and that the Clerk of this Court be directed to return it to the Counsel by whom it was presented to the Court.
10.	John McCargo &c vs Samuel Millaudon et al	The argument of this cause was concluded by Chas Roome for the plaintiff in error.
15.	Amity Building et al appts vs The City of Lafayette Isaac T. Preston et al	Mr Brent of Counsel for the appellees moved the Court for leave to withdraw a printed argument in behalf of Isaac T. Preston on the file in this cause & to substitute another in lieu thereof. It is now hereby ordered by the Court that the leave prayed for be and the same is hereby granted.

Wednesday December 18th 1822 Continued.

25.	Isaac of Wm L. Brown & wife vs Jeff in &c. Joseph Clements & al	The argument of this cause was commenced by Mr Willis Hall for the plaintiff in Error.

The argument being made the Court is adjourned until to morrow morning at Eleven O'clock.

Thursday December 19th 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

John of Mc L Bonner esqr	The summons in this
25 vs	cause was returned by
Josiah Chinault et al	Mr Wm Nott for the
	plaintiff in Error. by

Mr Read for the defendant in Error and by Mr Thruston for the plaintiff in Error

Proclamation being made the Court is ad
journed until to morrow morning at Eleven O'Clock

Friday December 21st 1855.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Venerable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	Jno. A. Wayne	
	John Catron	
	John A. Campbell	

Alexander Hunter Esqr. Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Emily Foulcart under Father & Matilda Foulcart Appts vs The President and Board of Council of the City of New Orleans & Parker et al	On appeal from the Circuit Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel.

In consideration whereof it is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court. Jos. Mc Kean Mason.

Andrew Nichols and Samuel H. Marks Jr. & Co vs Nathaniel H. Williams	Error to the District Court of the United States for the District of Maryland

This cause came on to be heard on the transcript of the Record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel On consideration whereof it is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. Jos. Mc Kean Sus. Story.

Friday December 21st 1855 Continued

The United States plff in Er vs Richard Wakefield	Error to the Circuit Court of the United States for the Southern District of New York

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed by a divided Court.

Jos. McLean Ch. Jus. Taney

21.	William F. Cary et al plffs vs Edward Curtis [U.S.]	On motion of Mr. Attorney Genl this cause was submitted to the consideration of the Court on the Record and printed arguments by Mr. Attorney General on behalf of the defendants

	Ex parte In the matter of Thomas Wilson Esq on petition for a writ of Certiorari to bring up a certain record of Decree in the Supreme Court of the State of Rhode Island	On motion made by Mr Brad well as a privilege day of the present Term of this Court, it is ordered on Wednesday the 26th inst at ten o'clock A.M. and by consent of the Counsel of the same
84.	Thomas P Munday vs The U States	pltff in Er. Mr Allen Counsel of Counsel for the defendant in error moved the Court to dismiss this writ of error because the matter in dispute does not exceed $2000 exclusive of cost. Upon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.
119.	Heirn Ballis appellant vs William Crosby & Marshal U.S. &c.	Mr Allen Jun'r of Counsel for the Appellee moved the Court to dismiss this appeal because the matter in dispute does not exceed the sum or value of $2000 exclusive of cost and such was now offered by Mr Evans of Counsel for the appellant Whereupon this Court not being now sufficiently

Friday December 26th 1851 Continued.

advised of and concerning what Order to made in the premises best been to entitle.

25.	Estate of Mrs. L. Brown & wife pls Pltff in Ca. Joseph Clements Defl	The argument of this cause was concluded by Mr Freeman for the Pltff in Error.

Proclamation being made the Court is adjourned until monday morning at Eleven O'Clock.

Monday January 21st 1811

Court to adjourn to the Court House at the Capitol

Present

The Chief	Jon. Prince	Circuit Judges
	Joseph Story	
	John M'Lean	
	Thos. H. Hopkinson	
	John Catron	
	John M'Kinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr. Attorney General. It is ordered that Edward M. Dawson Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court.

Monday December 23d 1872 Continued.

28	James Chesley plff in Er vs The Appeal Tax Court and Samuel Gordon plff in Er vs The Appeal Tax Court	The argument of this cause was commenced by Mr Putnam for the plaintiffs in Error and continued by Mr State for the defendants in Error.
87	Estate of Henry Mettee as Signee of the Bankrupt Estate of Francis A. Savage vs James & Joseph Best	This cause was submitted to the Court on the Record and printed arguments by Mr Merchant for the plaintiff and by Mr Pierce for the Defendants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock

Tuesday December 21st 1841

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John M. Nelson	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

James S and Jas Madison vs William C Williamson etc of John S Williamson	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Middle District of Tennessee.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Middle District

Thursday December 25th 1828 continued

of Limitations and upon the point and question on which the Judges of the said Circuit Court were opposed in opinion, and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel — On consideration whereof, It is the opinion of this Court that advantage could not be taken of any objection overruled in the first term, upon the demurrer of the plaintiff to the plea of the defendants. And upon the whole It is ordered and adjudged that it be so certified to the said Circuit Court.

Pr. Mr. Justice M'Kinley

David A. Hall assignee in Bankruptcy of John Walker plff in Er.
vs
The President & Directors of the Bank of Washington

In error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the

Tuesday December 15th 1835 Continued

County of Washington and was argued by Counsel On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum

pr Mr Just Wayne

Thomas B Winston Plff in Er vs The United States	Error to the District Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the Transcript of the Record from the District Court of the United States for the Southern District of Mississippi, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction.

pr Mr Ch. Jus. Taney

Tuesday December 24th 1816 Continued

112	Hugh Ross, admr of the Estate of Hiram Tall, dec'd appt vs. William Forbes Marshal of the United States for the District of Illinois	On appeal from the Circuit Court of the United States for the District of Illinois. This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the District of Illinois and was argued by Counsel. On consideration whereof it is now ordered and decreed by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction per Mr Ch. Jus Story
28	James Chesteen - appellt in Er. vs The Orphans Court and Samuel Gordon appellee. vs The Orphans Court.	The argument of these causes was continued by Mr Jos Story for the defendant in Error & by Mr Meredith for the plaintiff in Error.

Proclamation being made the Court is adjourned until Thursday morning at eleven o'clock.

Thursday December 21st 1809.

Present the adjournment of the Court over this evening at the Capitol

Present

The Honorable	Jesse D. Elmore	Chief Justice
	Joseph Hay	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Allen Counsel Ordered that A. Meredith Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was duly accordingly so.

28	James Chester Plff in Err. vs The Appeal Tax Court and Samuel Gordon Plff in Er. vs The Appeal Tax Court	The argument of these causes was concluded by Mr Meredith for the plaintiff in Error
28	John Taylor for al. Claimts vs Plffs in Er. The United States	The argument of this cause was commenced by Mr H. K. Meredith for the plaintiff in Error

On Proclamation being made the Court is adjourned until tomorrow morning at Eleven o Clock

Friday December 2nd 1842.

The Court is adjourned to meet at ten o'clock this morning at the Capitol.—

Present.—

The Chief Justice	Joseph Story	Circuit Justice
	John McLean	
	Samuel Nelson	Associate Justices
	John Catron	
	John M. Wayne	

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Ex parte: In the matter of Thomas Wilson Dorr, on petition for a writ of habeas corpus for a writ of error to the Supreme Court of the State of Rhode Island	On consideration of the motion made by Mr. Carroll of Counsel for the petitioner on a prior day of this present term of this Court, to wit, on Wednesday the 30th instant, and of the argument of Counsel in support of the motion, thereupon had. It is now here ordered and adjudged by this Court

1780

Friday December 2nd 1814 Continued

that the said motion be and the same is hereby overruled for Mr Chief Justice Nelson

John Harris, Claimt of Pt. pieces of Cloth &c Cassimere 15. vs Pfffs in Err The United States	Error to the Circuit Court of the United States for the District of Maryland.

Mr Meredith of Counsel for the plaintiff in Error moved the Court to dismiss this writ of error, to which Mr Attorney Genl on behalf of the defendant in Error assented. It is therefore ordered and adjudged by this Court that this cause be and the same is hereby dismissed. —

Jno Mc Lean Circ: Justice

John Taylor Surviving Claimt &c 28. vs Pfffs in Err The United States. —	The argument of this cause continued by Mr Cadwallader for the defendant in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven O'Clock

Monday December 21st 1840

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	

Stephen Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

28.	John Taylor & al vs. Plffs in Er. The United States	The argument of this cause was continued by Mr. Cadwalader and the Attorney General for the defendants in Error and concluded by Mr. Crittenden for the Plaintiffs in Error.

Proclamation being made the Court is adjourned until tomorrow morning at 10 o'clock

1782.

Thursday December 5th 1782.

The Court met this morning at the Capitol.

Present:

The Court	Wm. Fleming	Chief Justice
	Joseph Jones	
	Wm. Nelson	
	Jas. McClung	Assistant Justices
	Wm. Cabell	
	Wm. Daniel	
	Edw. Carrington	

Miranda Cumbo Esquire Marshal
William Simms Carroll Clerk

In Causation being made the Court adjourned.

On Bond Fidelity Bond of Wm. Adams. In the matter of Mr. Cash's assignee of Daniel & Matthew Hunter for the use of Wm. Adams

On motion for a writ of prohibition to the Honble. Wyndham Robertson Assistant Judge of the District Court of the United States for the Eastern District of Virginia, it is ordered that the said Judge forbear further hearing &c.

On consideration of the

motion made in this case at the last term of this Court, to wit: on Saturday the 25th day of February last and of the arguments of Counsel thereupon had as well in support of as against the said motion. It is now hereupon ordered and adjudged by this Court that the writ of prohibition prayed for be and the same is hereby denied, and that the said motion be and the same is hereby overruled

per Mr Justice Story

33

Francis L. Blanchard vs. Stephen Girard & al.	On consideration of the motion made in this case by Mr Webster of Counsel for the plaintiffs in error on a former day of the present term of this Court, that on Friday the 15th inst. a rule of reference be granted in this case. It is now hereupon ordered and adjudged by this Court that the said prayer of the said motion be and the same is hereby denied and that the said motion be and the same is hereby overruled.

per Mr Justice Story

Tuesday December 31st 1850 Adjourned.

99	Mathews Chiswell & al vs Robert Pitt & al	The argument of this cause was commenced by Mr Stanley for the Appellants.

Tuesday January 21 1845

Pursuant to adjournment this Court met this morning at the Capitol

Present

The Honble	Wm. D. Gooch	Chief Justice
	Joseph Prentis	
	John M'Lean	
	James M. Mayne	Associate Justices
	John Catron	
	John M'Kinley	
	Peter V. Daniel	

Strange Nash Clerk Thomas Marshall
William Thomas Carroll Esq. R.

Proclamation being made the Court is opened.

Edmund Curtis &c.	This cause was submitted
vs	to the consideration of the
William Martin &c.	Court on the Record and
	printed arguments by

Mr Allen General of Counsel for the plaintiff in Error and by Mr Scott on behalf of the defendant in Error.

27.	Emma Swinburne &c. vs Jeffries &c. Chas Gibson &al	The cause was submitted to the consideration of the Court on the Record and printed arguments by Mr Mc Willie Counsel & Counsel for the Complainants & argued by Mr Ould on behalf of the defendants in Error.
28.	William Chew &al vs Jeffrs Robert Tall &al	The argument of this cause was continued by Mr Mason for the Appellants & by Mr Mc Willie for the Appellees
29.	William Chew and Hannah S Williams and Charles H. Williams minors under the age of 21 years by Charles C. Williams their Guardian & Williams Lloyd N Williams George S. Williams Sarah Ann Williams Lucy S Williams & Elizabeth Ing wife of Edward Magruder S. Williams. Appellees vs Robert Tall &al	Mr Causten of Counsel for the Appellants having suggested to the Court the death of Magruder S. Williams one of the Appellees since the last continuance of this cause and filed a copy of the rule of grant of administration on his estate to Hannah S Williams mother and Charles H Williams the eldest son of said Magruder S.

Williams and having also filed the affidavits of the said administratrix and administrator and of Grandis H. Williams, Emmett S. Williams, Alfred A. Williams, Lucy C. Williams, Sarah Ann Williams, John C. Williams and Elizabeth Sturgis heirs at law of said Micajah C. Williams deceased, now here moves the Court that the affirmance of the said administratrix and administrator and heirs at law be entered in this cause and that they be made Appellants. To which Mr Tuttle of Counsel for the Appellees assented. Upon consideration whereof it is now ordered by the Court that the affirmance of the aforesaid administratrix, administrator and heirs at law of the said Micajah C. Williams be entered as Appellants in this cause and that they be and are hereby made Appellants in this cause and the same be proceeded with accordingly

---

Proclamation being made the Court adjourns until tomorrow morning at eleven O'Clock.

Friday January 3d 1845

In pursuance of adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

William Chew et al vs Jeff?	The argument of this cause was continued by Mr Pell for the Defendants
Robert Wall et al	

Proclamation being made the Court adjourned until Monday morning at eleven O'Clock.

Monday January 5th 1835.

Pursuant to adjournment the Court this morning met at the Capitol

Present.

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

James L. Sheridan	The argument of
vs.	this cause was commenced
The Baltimore & Ohio	by Mr. Webster for the plain-
Rail Road Co.	tiff & was not concluded

by Mr. Coxe for the defendants, when

55

1820.

Monday January 22 1821 Continued

22.	Lessee of Stephen Graham &al vs John Nelson	pff	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Kentucky.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the District of Kentucky and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by counsel On Consideration whereof, it is the opinion of this court that the line from S.E. to C. Mouth be taken and recognised as the true and proper line, and that the instructions given by the defendants Counsel ought to be refused.

Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court ——— per Mr Justice M'Lean

---

Proclamation being made the Court adjourned until to morrow morning at eleven O'clock.

Tuesday January 4th 1825

Present the Honourable the Chief Justice and his Associates sitting at the Capitol

Absent

Mr Emmett	Mr Berry	Mr Parker
	Hospital Berry	
	John McLean	
	James M. Magne	Messrs Winder
	John Carlton	
	John McKinlay	
	Philip Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court sat down.

Francis L. Blackwell vs Jeffries & J. M. Zacharie &c.	The argument of this cause was continued by Mr Coxe for the defendants in Error and concluded by Mr Wilde for the plaintiffs in Error.

30.

Tuesday January 1st 1861 Continued

	William Clerk at office	Recognizance of this
	to	cause was continued
	Robert Cullen et al	by Mr Bell for the pl
		fellows.

Proclamation being made the Court adjourned
until 9 o'clock tomorrow morning

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	Peyton Short	Judge Circuit
	Joseph Hoge	
	John McLean	
	James M. Harvie	Assoc. Judges
	Isaac Baker	
	Jesse A. Bledsoe	
	Peter V. Daniel	

Proclamation being made the Court is opened.

William Chew et al	The argument of this cause
vs	was continued by Mr
Peter Pull et al	Scott for the appellants

Proclamation being made the Court is adjourned until to morrow morning at 10 o'clock.

1831

Thursday January 6th 1831

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable

Roger B. Taney	Chief Justice
Joseph Story	
John McLean	
James M. Wayne	Associate Justices
John Catron	
John McKinley	
Peter V. Daniel	

Miranda Cook Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

William Chew et al vs Appts Robert Wallace et al	The argument of this cause was continued by Mr Scott for the Appellees.

29.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Friday January 11th 1833.

This Court is adjourned to the Court House in this city at the Capitol

Present.

The Honorable	Roger B. Taney	Chief Justice.
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

John Sayer for the William
Tell Steam Nav. Co. Claim
of 25 cases of Cloths, 15 Cases
of Cassimeres, 1 case of
Cloths and Cassimeres &
2 pieces of felted Cloths
vs. Tariff &c. of
the United States

28

Appeal from the District Court of the United States for the Eastern District of Pennsylvania.

This cause came on to be heard on the Transcript of the Record from the District Court of the United States for

1826.

Friday January 11th Continued

the Eastern District of Pennsylvania and was argued by Counsel. On consideration whereof It is now ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed

per Mr Justice Story

James Kendall plff in Er. vs. William B. Stokes, Lucius M. Stockton and Daniel Stone surviving partners of Richard & Stockton.	In Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

93

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and justice and in conformity to

In the opinion of this Court

per Mr Ch. Jus. Taney.

Mr Just. Story did not sit in this cause

The United States - Appl 115 vs The President Directors & Company of the Planet Bank, William J. Hubbard, Augustus A. Fiske and Nathan'l S. Packer.	On appeal from the Circuit Court of the United States for the District of Massachusetts. Mr Attorney Gen'l of Counsel for the appellants, having stated

that the matters in controversy in this cause had been agreed upon and settled between the parties, moved the Court to dismiss this appeal. On consideration whereof, it is now here ordered and adjudged by this Court that this appeal from the Circuit Court of the United States for the District of Massachusetts be and the same is hereby dismissed.

per Mr Ch. Jus. Taney

Friday January 11th 1833 Continued

En parte The City Bank of New Orleans In the matter of Wm Christy assignee of Daniel S Walden a Bankrupt vs The City Bank of New Orleans

Mr Mylde of Counsel for the City Bank in this case moved the Court for leave to withdraw from the files the following transcripts produced & filed in the above case viz Transcript A containing the proceedings of the Sub Court of Louisiana in the case of the City Bank vs Daniel S Walden

Transcript B containing the proceedings of the Sub Court in the case of Daniel S Walden vs The City Bank

Transcript C containing a list of claims which did not come on Bankrupt Docket vs Walden

Transcript D containing the opinion of the Court in the case of The City Bank vs Daniel S Walden first above stated

On consideration whereof it is now here ordered by the Court that the Clerk of this Court deliver the aforesaid papers to the said Mylde upon his giving a receipt therefor

Friday January 11th 1833 Continued

38	Samuel Chase vs al vs Jeffries &c. & M. Buchanan & Co.	Mr Webb of Counsel for the plaintiffs in Error on the cause moved the Court for leave to withdraw from the files the Transcript of the proceedings in Error of the Circuit Court of Baltimore and the writ filed on the above order. Upon consideration whereof it is now ordered by the Court that the Clerk of this Court deliver the aforesaid transcript & writ to Mr Webb upon his filing a receipt therefor.
29	William Clive & al vs Robert Pratt & al	The argument of this cause was continued by Mr Swell for the appellees & by Mr Crump for the appellants

Proclamation being made the Court is adjourned until Monday morning at eleven O'Clock

Monday January 13th 1823.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Venerable	John Marshall	Chief Justice
	Joseph Story	
	John McLean	
	James M. Mayne	Associate Justices
	John Caton	
	John McKinley	
	Peter V. Daniel	

Alexander Wolcott Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion of Mr Key made to the Court in this behalf by Mr Key it is ordered that James Dixon Esquire of the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Monday January 13th 1845 Continued.

William Clinton et al vs Appl Robert Pratt et al	Argument of Counsel concluded by Mr Cross for the Appellants

Motion made by Court to adjourn until tomorrow morning at Eleven O'Clock

Tuesday January 2d 1823.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Gabriel Duvall	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate Justices
	John Catron	
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Attorney General it is ordered by the Court that Francis Scott Key Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and that he do take the oaths accordingly

9.	Jean M'Cann pff in er. vs Laurent Millaudon def	Error to the Supreme Court of the State of Louisiana.

This cause came on to be heard on the Transcript of the Record from the Supreme Court of the State of Louisiana and was argued by Counsel. On consideration whereof, it is the opinion of this Court that it has not jurisdiction to revise the decision of that Court in this cause. Whereupon it is now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction. Per Mr. Justice Baker.

119.	James Dunn pff in er. vs Hamilton R. Gamble	Error to the Supreme Court of the State of Missouri

This cause came on to be heard on the Transcript of the Record from the Supreme Court of the State of Missouri and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme

Monday January 11th 1852 Continued

Court of the State of Missouri in this cause be and the same is hereby affirmed with costs.

Per Mr Justice Catron.

Mr Justice Curtis & Justice Wayne and Judge

Order of Court

Ordered that printed arguments under the former rule will be received hereafter, and at the present term until the first Monday in February next and every term, until the circuit Court continues to meet on the first Monday in December, and that the forty ninth rule of the Court adopted at January Term 1832. be and the same is hereby rescinded.

In United States. appeal

115

The Planters Bank &c

Mr Allen moved the Court for leave of Counsel for the appellant now here moved the Court to rescind & strike out the order and decree of this Court dismissing this cause at march term and entered on the minutes of this on a former day of this present term of this Court, to wit; on Friday the 30th inst. On consideration whereof, it is now ...

ordered by the Court that the decree entered by the Court on Friday the 11th ult dismissing the appeal of the said Petitioners be affirmed and the same is hereby accordingly affirmed with costs

The United States - appts vs The President Directors and Company of the Bank of William J. Duane, Wm. H. Fisher and Matthew L. Davis -	On Appeal from the Circuit Court of the United States for the District of Massachusetts. Mr Attorney General & Mr Crittenden for the appellants and Mr Dana for the appellees

the discussion of the appeal in this case, an arrangement having been made between the parties with a view to the distribution of the funds in controversy in the Court of Massachusetts which have possession of the fund. On consideration whereof it is now here ordered, adjudged and decreed by this Court that the same be and the same is hereby dismissed.

per Mr Chief Justice Taney.

3006

Session January 15th 1825 Continued

William Speight, Comr of Insol of the Cumberland Road — — — Appellants 11. vs William D. Ellicott	The argument of this cause was commenced & continued by Mr Key & Mr Attorney Genl for the defendants in Er
25 Benjamin Chamberlain et al 151 vs Appts The United States	This cause was submitted to the Court on the record and printed arguments by Mr Swan for the Appellants and by Mr Attorney General for the Appellee

Proclamation being made this Court is adjourned until tomorrow morning at Eleven O'Clock

Wednesday January 25th 1815

Pursuant to adjournment the Court met this morning at the usual hour

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John M. Lean	
	James M. Mayre	Associate
	John Catron	Justices
	John McKinley	
	Wm. Daniel	
Stranger	Martin Edgar	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court proceed

32 Edward Cutler Jr. & Jeffrey Co. vs William Marlow and Charles A. Coe

Appeal from the Circuit Court of the United States for the Southern District of New York and was

on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of New York and was

Wednesday January 15th 1845 Continued..

waved by Counsel. On consideration whereof, It is therefore ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum. — Pr. Mr. Ch. Jus. Taney. —

Samuel Swartwout /in S./
pf. ps. pffs in Er.
John Gibson, John Nicholson
and William Davison.

Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six per centum per annum.

Pr. Mr. Ch. Jus. Taney.

Wednesday January 15th 1845. Continued.

30	Robert White. plff in Ce. vs Williams & Nicholls def and Robert White. plff in Ce. vs Henry Addison	The argument of this causes was commenced by Mr Ingle for the plaintiff in Error
18	William Speight, Comr. &c. of the Cumberland Road &c. vs William B. Stokes def	The argument of this cause was commenced by Mr Nelson (Attorney General of U.S.) for the defendants in Error and concluded by Mr Walker for the plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at Eleven O'Clock

Thursday January 12th 1815

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Gabriel Duvall	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court adjourned

John Doe on the demise of Henry Martin assignee of the Bankrupt Estate of James H. Savage plff

vs

James Best & Joseph Best

On a certificate of division of opinion between the Judges of the Circuit Court of the United States for the District of Kentucky.

Case and questions to be found on the Transcript of the Record

from the Circuit Court of the United States for the District of Kentucky, and on the point or question on which the Judges of the said Circuit Court were opposed in opinion was argued by the counsel for the parties aforesaid & the matter being seen & fully understood by the Court, on consideration whereof, it is the opinion of this Court that the defendant by the special matter of the execution pleaded the Statute of Limitations, and the Law of it, before the petition was filed, was the special and sufficient plea. Wherefore it is ordered and adjudged by this Court that it be so certified to the said Circuit Court

Jno. Coalter Clk Supr. Court

Robert White - pltff in Er. vs William P. Nicholls & al. and Robert White - pltff in Er. vs Thos. Tabb	The argument of this cause was continued by Mr Mayo for the pltff in Er. by Mr Hamilton for the defendants in Error and concluded by Mr N. H. Brent for the pltff in Error.

On motion the Court now adjourned until tomorrow morning at eleven O'Clock.

1812.

Friday January 1st 1813.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice

[illegible]

Alexander Hunter Esquire Marshal
William Brent Court Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Coxe It is ordered that Francis Scott Key Esquire be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

. Friday January 9th 1846. Continued

The Lessee of Sarah C. Lawrence & Elizabeth Kinnan an infant &c. Plaintiffs and Defendants in Error	On appeal from the Circuit Court of the United States for the Southern District of Mississippi.
vs Appellees	
John W. Wirt Account &c Defendants in Error.	

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel — On consideration whereof, It is now ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs and this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein according to law and in conformity to the opinion of this Court. — Per Mr Justice Wayne

Dissenting Mr Justice McKinley & Mr Ch Justice Taney

3114.

Friday January 15th 1841 Continued

Francis Lewis Jr. Appellant vs J. M. Zacharie & Co	Appeal from the District Court of the United States for the Eastern District of Louisiana.

30.

This cause came on to be heard on the Transcript of the Record from the District Court of the United States for the Eastern District of Louisiana, and was argued by Counsel. On consideration whereof, it is the opinion of this Court that the said District Court in the matters stated in both of the bills of exceptions taken by the respondents to the admission of the evidence stated in the first bill of exceptions taken by the Appellant and stated as part of the Appellants subsisting debt then due to the Plaintiffs to support the action, and in the instructions given by the said Court to the Jury upon the instructions prayed by the Defendants stated in the second bill of Exceptions, there was no error committed and therefore by this Court that the Judgment of the said District Court in this cause be and the same is hereby affirmed with costs and that this cause be and the same is hereby remanded to the said

This Cause coming on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by Counsel. On consideration whereof, it is now ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs

Jno. Mc. Chf. Jus. Story

Richard Nugent, assignee of Elizabeth Nolan a Bankrupt vs Appellt	On appeal from the Circuit Court of the United States for the Eastern District of Louisiana.
115. George W. Boyd, Isaac T. Preston and Abner Phelps	

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Eastern District of Louisiana and was argued by counsel. On consideration whereof, it is now ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs

Jno. Mc. Chf. Jus. Story

Friday January 1st 1813 Continued

John Scott vs. Jeffries &	Mr Crowninshield of Counsel for the defendants in error moved the Court to dismiss this cause for the following reasons 1st That no Court can entertain jurisdiction of a Libel of a Prize Cause unless it be specially authorized by the Act of Congress or by the Laws of the United States and the decision is against their validity. 2d That there is not shown nor is there any question the validity of a Libel of a Prize Cause in which such Act of Congress or Law of the United States is drawn in question is in favor of such claim. 3d That there is not shown nor is there any question the construction of any clause of the Constitution or of a Treaty or Statute of or commission held under the United States and the decision is against the title right privilege or exemption specially set up or claimed by any party under such clause of the Constitution, treaty, Statute or Commission and therefore 4 That this Court has not jurisdiction in this case" and which motion was opposed by Mr Wirt of Counsel for the plaintiffs in Error. ——— Whereupon this Court not being now sufficiently advised of and concerning what order to make
78	
Case of Robert Young and Seven	

on the premises, took time to consider.

A. & A. Chamberlain Appt vs Robert Neil Cumming Gates and Mary Ann Gates Respt in Assistant Appt vs Mary Neil	Mr. Jones of Counsel for the Appellants Counsel filed and read in open Court the following Statement and motion, viz: The Appellees Counsel have respectively move for the dismission of these two Appeals on the ground of Evident irregularity in the Appeals.

After the expiration of Six days from the commencement of the present Session of the Court the Appellees moved for the dismission of these Appeals for the failure of the Appellants to file records in the time prescribed by rule of Court. That the Court being from the expiration of the Circuit Court that the appearance day on the Appeals was set for the 2d Monday of May instead of the 1st monday of December preceding, decided that the motion for dismissing was too late after the appearance day appointed on the Appeals, and reserved to the Appellees the right hereafter to move dismissions

Friday January 1st 1813. Continued

in the Same, or any the usual Seven days next after the expiration of the usual Six days next after the Said Rule shall be filed in one of the offices of the Said Chancellor, but in the other no record has yet appeared.

The Appellees are advised that this Court by necessary consequence determines that it is regular & of the Appeals, Since it determines they have effectually filed an arbitrary and unfixed day for the return of the Same, & appearance to the same; and Since it is not conceivable that any such Appeal can be awarded to Appellants and Plaintiffs in Error.—

The Appellees therefore hope that the said Appeals may be dismissed for the non established regularity of pursuing the return days and the appearance days Limited & prescribed from the Decisions now appointed by law." have moved the Court to dismiss these Appeals. Whereupon this Court not being now Sufficiently advised of their consequence what order to render in the premises, doth time to consider.

28.	John Taylor & al Claimants &c. is Plffs in Error. The United States	The Attorney General of the United States for the defendant in Error moved the Court that the fund arising from the sale of the Cloths and Cassimeres condemned in this case, which were sold under an order of the Circuit Court for the Eastern District of Pennsylvania, are now in the Registry of that Court, unperishable, and that it is desirable to the parties interested that the said fund should be distributed by the said Circuit Court now in Session, moved the Court that a Mandate may be directed to said Circuit Court to carry into execution the above cause. On consideration whereof it is now here ordered by this Court that the Clerk do forthwith issue a mandate in this case.
31.	Melinda Fry - Plff in Error vs. The State of Ohio	This cause was submitted to the Court on the record and a printed argument by Mr Sherburne for the Plaintiff in Error

Friday January 1st 1830 Continued

35	L. Co of Schuylkill Pollard & al -vs- Pltff in Er. James Thorp & al	The argument of this cause was commenced by Mr Boyle for the plaintiff in Error and continued by Mr Sergeant for the defendants in Error.

Proclamation being made the Court adjourned until Monday morning at Eleven O'Clock.

Monday January 21st 1805.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Peter D. Yeaney	Chief Justice
	Benjamin Berry	
	John M'Lean	
	James M'Dougal	Associate
	John Scholefield	Justices
	John M'Pherson	
	Peter L. Daniel	

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

State of Ohio use &c. vs. Jeffries & James Thorp & al.	The argument of this cause was continued by Mr. Sargeant for the defendant & Mr. Boyle for the plaintiff in Error.

33

Proclamation being made the Court is adjourned until to morrow morning at eleven O'Clock.

Tuesday January 21st 1823

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Chief Justice	John Q. Adams	Chief Justice
	Joseph Story	Associate Justices
	John M'Lean	
	James M. Wayne	
	John Catron	
	John M'Kinley	
	Peter V. Daniel	

Alexander Hamilton Esquire Marshal.

William Thomas Carroll Clerk.

Motion being made by Mr Emmet & Ordered

William F. Carey and Samuel L. Carey - Plffs in Error	vs	Edward Curtis jun. Deft

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of New York and on this point and

question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for their opinion agreably to the Act of Congress in such case made and provided and was argued by Counsel On consideration whereof, It is the opinion of this Court that the second Section of the Act of Congress, approved on the 3d day of March 1825 entitled "An act making appropriations for the civil and Diplomatic expenses of Government for the year 1825" was not law to be taken in this Court that it be so certified to the said Circuit Court. — Jos. M.r Jus: Daniel

Dissenting Justices M.Lean Story & Wayne

Bank of the U. States Plff in Err.
vs
Jos.h Clement and Jonathan Peart

25

In Error to the Supreme Court of the State of Alabama.

This cause came on to be heard on the Transcript of the Record from the Supreme Court of the State of Alabama and was argued by Counsel On consideration whereof, It is now here adjudged and ordered by this Court that the Judgment of the said Supreme Court in this cause be and the

Tuesday January 21st 1851 Continued

same is hereby revised with Costs and that this cause be and the same is hereby remanded to the said Supreme Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court.

Per Mr Just McKinley

Present the Justices Coburn Cummins & Wm Jas Lacey

J. & J. Chamberlain Appts

vs

Robert Heath

Resp.

On consideration of the motion made in this case by Counsel of Counsel for the Appellees on a prior day of the present term of this Court to set on Friday the 17th inst. It is therefore decreed and ordered by this Court that the said motion be and the same is hereby overruled.

Per Mr Ch Jus Lacey

Mary Dean v Husband Dean &c Sathum appt vs Mary Veals	On appeal from the District Court of the United States for the Eastern District of Louisiana.

On motion of Counsel for the Appellee came the Clerk and read in open Court the following original Writ

"The President of the United States to the Judge of the District Court for the Eastern District of Louisiana. —

Whereas a writ of error & petition of appeal has been filed in the Clerk's office of the District Court of the United States for the Eastern District of Louisiana in a cause wherein Mary Dean wife of Nathaniel Dean is husband is Plaintiff in error and Mary Veals is defendant in error as by the inspection of the record of the said District Court will more fully appear and whereas in the assignment of errors in the said cause manifest error hath happened to the great damage of the said Mary Veals as by her complaint appears we being willing that error if any there be should be duly corrected and full and speedy justice done to the parties in that behalf do command you that you send the record and proceedings aforesaid with all things concerning the same to the Supreme Court of the United States on the second Monday in January next (1845)

In testimony whereof I have hereunto set my hand and affixed the Seal of the said Court at the City of Orleans this 2d day of Sept. A.D. 1844 and in the 69th year of the Independence of the United States

[Seal] Witness the Hon. Theodore Sherman Chief Justice of the said Court

J.G.A. Veit Deputy Clerk"

Tuesday January 21st 1845. Continued

and during said that the Appellants shall also be bound to file the record of said case in this Court, or in case same be prevented said Appeal from the Court, on pursuance of the 33d rule of this Court to have this Appeal dismissed and dismissed. On consideration whereof, It is now ordered and decreed by this Court that this Appeal from the Circuit Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and right the said Appeal, notwithstanding.

Per Mr Ch. Just: Taney.

Bellas of John Pollard et al -vs- Appellants James Shipp et al	The argument of this cause was concluded by Mr Cox for the Plaintiffs in Error.

54	Mashuda Bridge Company vs. Appt. William Stuart et al	The argument of this cause was commenced by Mr Bradley for the Appellants.

Proclamation being made the Court adjourned until
to tomorrow morning at eleven O'Clock.

Wednesday January 23d 1845

The Court met pursuant to adjournment this morning at the Capitol

Present

The Chancellor	Peter V. Thomas	Chief Justice
	Joseph Mason	
	Elias Matthews	
	Edward D. Morris	Associate
	John Carlisle	Justices
	Elias Ellicott	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal.
William Pinkney Council &c.

Proclamation being made the Court is opened

Samuel Archer appellee &c.	Error to the Court of Appeals for the Western Shore of Maryland
95	
The Bank of the United States	

This cause came on to be heard on the Transcript of the Record from the Court of Appeals for the Western Shore of Maryland and was argued by Counsel On Consideration whereof it is now here ordered and adjudged by this Court that the Judgment of the said Court of Appeals in

This cause to and the same is hereby affirmed with costs
for Mr Jus. Wayne. —

Samuel Gordon. Plff in Er. vs The Appeal Jus Court	In error to the Court of Appeals for the Western Shore of Maryland.

27.

This cause came on to be heard on the transcript of the Record from the Court of Appeals for the Western Shore of Maryland and was argued by Counsel. Consideration whereof it is now ordered and adjudged by this Court that the judgment of the said Court of Appeals in this cause to and the same is hereby affirmed with costs, and that this cause be and the same is hereby remanded to the said Court of Appeals with direction to enter judgment for Samuel Gordon the plaintiff in error.

for Mr Jus. Wayne

Washington Bridge Comp vs Appt. William Stewart & al.	The arguments of the counsel on both sides continued by Mr Coyle for the appellants and concluded by Mr Bradley for the Appellees Court. —

28.

Wednesday January 22nd 1823. Continued

	James Wilson &c. Plff	The argument of this cause was commenced by Mr Brown for the Plff & continued by Mr Wilson for the defendant and concluded by Mr Brown for the Plaintiff.
55	vs	
	Wm. Smith	

On motion ordered that this cause be argued by Mr Crump & Mr Leland A. Magruder of the State of Ohio submitted by them as an Attorney and Counsellor of this Court and be admitted accordingly.—

	James Shaw Plff in Er.	The case having been called for argument & no Counsel appearing ready to proceed with the same It is therefore now ordered by this Court that this cause be and the same is hereby dismissed & this suit be forfeited to the use of the defendant under the 36th Rule of this Court.—
55	vs	
	The Commonwealth of Virginia	

Wednesday January 22nd 1845. Continued

Thomas Ramy vs Plff's vs Thomas A. Pettit. —	Mr Bradley of Counsel for the plaintiffs moved the Court to continue this cause to the next term, to which Mr Marks of Counsel for the defendant consented Whereupon it is now here ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court. —

Proclamation being made the Court is adjourned until to morrow morning at eleven O'Clock

3132.

Tallahassee January 25th 1843

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble	Geo. S. Dawson	Chief Justice
	Joseph Aubrey	
	Wm. McLean	
	Isaac H. Harris	Associate
	Wm Cabell	Justices
	Isaac H. Bronson	
	Thos. L. Brevard	

Alexander Hunter Esquire Marshal
William Simmons Esquire Clerk

Proclamation being made the Court is opened

Wm. Smith & Bro	The Court having filed
vs	a stipulation in writing
Samuel Brandt	that this cause should be

continued Ordered that the same be and the same is hereby continued to the next term of this Court.

Thursday January 23d 1845.

John Scott vs Plff in Err. vs Chas Young surviving Exr	On consideration of the motion made in this cause on a former day of this term & the same being this day argued by Counsel thereupon And as well in support of as against the motion It is ordered by this Court that the said motion be and the same is hereby refused And the argument and decision of the said motion is hereby postponed until the argument and decision of the cause & this Court declines for the present to give any opinion on the said motion
Estate of Geo. Upton vs Plff in Err. Geo. Chambers et al	The argument of this cause was commenced by Mr Swilthenden for the Plaintiff in Error, continued by Mr Pettit for the defendants in Error and concluded by Mr Swilthenden for the Plaintiff in Error

Thursday January 25th A.D. Continued

60.	The United States of America vs William H. Truman	This cause was argued by the Attorney Genl. for the plaintiff & by Counsel for the defendant on a printed argument by the defendant.
61.	Isaac Van Zandt et al vs Jno. C. Williams et al	On motion of Mr. Winston leave is hereby granted him to withdraw this cause on a printed argument on behalf of the plaintiffs in Er.

Proclamation being made the Court adjourned until tomorrow morning at 9 o'clock A.M.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Magill	Associate
	John Caleb	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Contee Hanson Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is Opened.

On motion first made to the Court on this day by Mr Ingersoll - It is ordered that J. S. Langone Esquire of the State of Indiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Friday January 29th A.D. continued

69	Supt of Public Works et al vs Hoffman et al James A. Stewart	The argument of this cause was commenced by Mr Cole for the Plff in Error and continued by the Court for the defendant in Error
70	The United States Plff in Error vs. Andrew Hodges Def in Error.	Mr Key of Counsel for the defendant in Error moved the Court to dismiss this writ of Error because it was signed by the Clerk of the Circuit Court of the United States for the Eastern District of Tennessee instead of by a Judge of that Court. Which motion was opposed by Mr Attorney General on behalf of the Plaintiff in Error. When the Court not being willing to take sufficient time to consider and deliberate upon the questions then presented for consideration

James M. Sheklin vs 1795 Jessie & David Bishop	Mr Conrad James filed and read in Open Court the following [illegible]

Bishop the defendant in error and hereby suggests & shows the death of James M. Sheklin, one of the plaintiffs in error who has departed this life since the last continuance of this cause, and prays that the said Executors may be [illegible] Which motion James the Counsel for the said defendant in error now, here moves the Court for an order [illegible] aforesaid Daniel Morel & Abigail Evans in this Court all Court and [illegible] the said Writ of error in the pleading of plaintiff in [illegible] Which motion the Court having considered and understood by the Court that the said Daniel Morel & Abigail Evans in this Court and that he prosecute this Writ of error as the surviving plaintiff in [illegible]

Proclamation being made the Court is adjourned until Monday morning at eleven O'Clock

Monday January 2d 1815.

Present Court adjourned the Court and Bar to meet at the Capitol

Present.

The Honble.	Upon Story	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf of Lieut Howard U.S. ordered that William Gwin Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

42.	Lessee of Philip Kelly et al vs Jeffs in Ej. James A. Stewart et al	The argument of this cause was continued by Mr. Anderson and Sims for the defendants Ejm.
81	Lessee of Daniel McCarthy et al vs Jeffs U.S. & A.M. Ewing	This cause was submitted to the Court on the record and printed arguments by Mr. White for the plaintiff and Mr. Heban for the defendants

Proclamation being made the Court adjourned until to morrow morning at eleven O'Clock

3040

Tuesday January 28th 1823.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Hon.ble	Wm. Thomas	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	
	Alexander Hunter Esqr.	Marshal
	William Thomas Carroll	Clerk

Proclamation being made the Court was opened

On motion first made to the Court in this behalf by Mr Martin — It is ordered that Henry W. Rees Esqr. of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and it was done accordingly.

70.	The United States pltff in Err vs Andrew Hodge & c v Levi Lane	Error to the Circuit Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Eastern District of Louisiana, and it appearing to this Court that the Citation is not Signed as directed by the act of Congress of 1850 ch 20 § 22 It is thereupon considered and adjudged by this Court that this cause be and the same is hereby dismissed. and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice

Pr. Mr. Ch. Jus. Taney

82.	Samuel Simpson pltff in Err vs The Mut Ins Co Red R. Complt	Mr. Ingersoll of Counsel for the plaintiff in Error having filed and read in open Court on the first day of the present term of this Court & on Friday the 17th inst a suggestion of a diminution of the Record in this case in this, that an omission is found in the Record of the Charge to the Jury

Tuesday January 28th 1845 Continued

which is dated on printed page 29 by mistake to be 31 and at length and offended to the Court" on motion and moved the Court for a rule to be issued to the Judge of the District of the United States for the Eastern District of Pennsylvania to shew cause why a writ of mandamus should not issue to the said Judge commanding him to proceed and order the said Court that the said motion be and the same is hereby overruled. —

Thomas Bonner et al Plffs in Error

vs.

Thomas P Porter

Motion for the Plaintiffs in Error

Ordered by the Court that the Defendant in this cause be last continuance of his own motion and moved the Court that said suggestion be vacated & set aside & that he be allowed to plead to the issue in this cause and moved the Court for the rule that said suggestion be and the same is hereby ordered accordingly.

Tuesday January 28th 1823 Continued

42	Estate of Ralph Kirby et al vs Jeff in &c. James A. Hamet et al.	The account of this cause was concluded by Mr Mallie for the plaintiff [illegible]

Proclamation being made the Court adjourned until tomorrow morning at Eleven O'clock

50 [illegible]

Wednesday January 20th 1813.

This Court be adjourned [illegible]
at the Capitol

Present

The Honorable	Roger B Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Mayne	Associate
	John Catron	Justices
	John McKinley	
	P. V. Daniel	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court was opened

On motion ordered that the Court do now
adjourn & Mr. Carroll directed that
Hunter Esquire of the State of Pennsylvania
be admitted to practice as an Attorney and Counsellor
of this Court and he was accordingly
accordingly —

On motion ordered to be entered on the Docket of this Court that Edward Mann Esquire of the District of Columbia be admitted to practice as Attorney and Counsellor of this Court and he was sworn accordingly

43. Dunbridge Paul and Ux. Pltffs vs Jeffers &c Deft William C. Ireland	This cause having been called for argument and no Counsel appearing ready to argue the same. It is ordered by the Court that this cause be and the same is hereby declared to be out of the docket under the 38th rule of this Court.
44. Samuel Ward Pltff vs William S. Updike &al Deft	This cause having been called for argument and no counsel appearing ready to argue the same It is ordered by the Court that this cause be and the same is hereby declared to be out of the docket under the 38th rule of this Court.

Wednesday January 25th 1815. Continued.

57	James Payne et al. pltffs in Er. vs Saunders Ruby.	This cause having been called for argument and no counsel appearing ready to argue the same It is now ordered by the Court that this cause be and the same is hereby dismissed at the pltffs cost of the docket under the 38th rule of this Court.
58	Edward Livaudais pltff in Er. vs Barnard Labatut Deputy Sheriff of the City of New Orleans.	The argument of this cause was commenced by Mr Read for the pltff in Error.
59	Samuel Hinckley pltff in Er. vs The Corporation of Rhode Island	The argument of this cause was commenced by Mr Hall for the pltff in Er. and continued by Mr Pinkney for the defendant in Error.

Wednesday January 30th 1833 Continued

85	John B. Camden plff in Er. vs Thomas C. Perkins et al.	Expiration of Mr. J. C. Bar of Counsel for the defendants in Error. It is now hereby ordered by the Court that leave be and the same is hereby granted to the Counsel for both parties to submit this cause on printed arguments.
115	Sail. Mine & Co. plff in Er. vs The State of Ohio.	This cause was submitted to the consideration of the Court on the printed arguments of Mr. Ewing for the plaintiffs in Error and by Mr. Swayne for the defendant in Error.

Proclamation being made the Court is not opened until 10 o'clock A.M.

Thursday January 30th 1845

The Court adjourned the last meeting and this morning at the Capitol

Present

Hon. Peter V. Daniel	Pres. Judge	
Hon. Wm. Cabell		
Hon. John M. Patton		
Hon. Samuel M. Mague	Assoc.	
John Cabell	Justices	
John McKinlock		
Peter J. Daniel		

Alexander Hunter Esquire Marshal
William Thomas Sweet Clerk

Proclamation being made the Court opened

On motion of Wm. Wirt it is ordered that James Lemon Cabell Esquire of the State of Virginia be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Thursday January 31st 1839 Continued.

49.	Samuel Swan: Jeff'n &c vs Comm'th of Massachusetts.	The argument of this cause was continued by Mr Hunt[illegible] for the defendant in Error.
51	The United States vs Eli S. Prescott et al	This cause was argued by Mr Attorney General for the plaintiff and submitted on a printed argument by Mr A Burke for the defendants.

Proclamation being made the Court adjourned until 10 o'clock A.M. to-

Friday January 31st 1823.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Thos. B. Fenny	Chief Justice
	Joseph Story	
	John McLean	
	James M. Mayne	Associate
	John Catron	Justices
	Wm. M. Wirt	
	Elie B. Caruthers	

Thomas Urquhart Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion it is ordered that Thomas D. Bowie and Thomas Esqrs of the State of Louisiana be admitted to practice as an attorney and Counsellor of this Court and he is accordingly

85	John B. Camden Jr. Plff in Er vs Thomas C. Parmele et al	This cause was submitted to the Court on the record and printed argument by Mr Camden for the plaintiff in Error and by Mr. F. C. Lee for the defendant in Error.
121	Charles K. Carroll Comp.t vs Orrin Safford, Treasurer &c.	This cause was submitted to the Court on the record and printed arguments by Mr. Nelson, Attorney Gen.l of the United States, for the Complainant.
49	Samuel Slanton Plff in Er vs The Com.th of Massachusetts	The argument of this cause was concluded by Mr Webster for the plaintiff in Error.
52	The United States Comp.ts vs Ezekiah H. Bear.	The argument of this cause was commenced by Mr Attorney Gen.l for the Complainants and continued by Mr Carlton for the defendant.

Friday January 31st 1823. Continued

33.	The United States Complt vs Richard W. Gun	The argument of this cause was commenced by Mr Allen Att'y for the Complainants & continued by Mr Gardiner for the Defendant.

Proclamation having made the Court is adjourned until Monday morning at eleven O'Clock

Monday February 3d 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable Peter V. Daniel Assoc. Justice
Joseph Story
John M. Clean
James M. Wayne
John Catron
John McKinley
Peter V. Daniel
Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court opened.

The United States Complt vs Ezekiah H. Gear. Defendant

Pursuant to the rule entered by Mr Chandler for the defendant and on motion by Mr Attorney General for the Complt

Monday February 5th 1815 Continued

53.	The United States Comp.ts vs Hezekiah N. Coon.	The argument of this cause was continued by Mr. Hamilton for the defendant and was concluded by Mr. Attorney General for the Complainants.

54.	I. Pierpont use of Comp.t M. Gaultha vs Martha A. Sellers	The argument of this cause was commenced by Mr. Tendleton for the plaintiff in Error and continued by Mr. Caillenden for the defendant in Error.

Proclamation being made the Court adjourned until to morrow morning at eleven O'Clock.

Tuesday February 5th 1833.—

Pursuant to adjournment the Court met this morning at the Capitol

Present

Jno Marshall	Wm Cranch	Chief Justice
	Bushrod Washington	
	Wm Johnson	
	James M. Mayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Courts opened

On motion filed made to the Court in this day by Mr Webster. It is ordered that Joseph Hunter Esqr of the State of New York, and Wm Griffith Esqr of the State of New Hampshire be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.—

Tuesday February 2d 1815. Continued

William Searight, Commissioner & Superintendent of the Cumberland Road within the State of Pennsylvania — pltff in Er.	In Error to the Circuit Court of the United States for the Western District of Pennsylvania —
10 vs	
William B. Stokes and James M. Stockton who have survived Richard C. Stockton	

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Western District of Pennsylvania and was argued by Counsel. On consideration whereof, It is now ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

per. Mr. Ch. Just. Thompson

30

Jean Dorsey &c. Complainants

vs

Jean Dorsons Edward Hanwell, Rufus Taylor, Elisha Lindsey, James Gay, William Downing, Joseph Whitesides Jean Wm. Hutton & Wife, Mary Easterflam & George Armstrong

Defendants

Appeal from the District Court of the United States for the District of Kentucky.

This cause came on to be heard on the Transcript of the Record from the District Court of the United States for the District of Kentucky and was argued by Counsel On consideration whereof, It is ordered adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed with cost.

Per Mr. Justice Gay.

Tuesday February 4th 1845 Continued

The United States of America Plaintiffs

51

vs

Chs Pratt William L Cahn, Wm F Thomas, James M Woodworth, John M Eldridge, Robert F. Wooden Jr, Alfred Cahn, Lewis M Clark, Horace Taylor Charge Jas Young from the Circuit Court Wm Martin Jr John Calhoun, Henry Smith, Chas Gratiot, Wm F Thomas, Willis Cahn, Edward Kent Edward D Tillett, Wm Fitch, Chs Thomas Jas H Lawrence, Henry Smith, Martin P Cahn, Edward D Coe, Thomas Allen and John Paulson. —

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Illinois

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Illinois on the point or question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for their opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel On consideration whereof, It is the opinion of this Court, that the felonious stealing taking and

Leaving on the South margin of the road of the Province of Canada, thence continuing on the said road to the place of beginning, containing one hundred acres, and that it shall be good and valid to him the said Asa Allen his heirs and assigns forever, any reservation or condition in the Original Grant of the said Lot to the Crown notwithstanding.

Names of Townships	Quantity of Land	Conditions on which the Land is to be Granted
Names of Townships	Quantity of Land	Conditions on which the Land is to be Granted
Stanbridge	15	
131. The United States		Not granted unless on application for the same on the Township of the Land from which it is taken and a certificate obtained from the Surveyor General that the Land applied for is not required for the use of the Crown and that the Settlement duties have been performed.

J. M. Hamilton

Tuesday February 5th 1825 Continued.

153. William A Biggs Plff in Er.
vs
David L Kuyf and John H. Sugless Lessee —

In error to the Supreme Court of Tennessee —

Mr. Cofe of Counsel for the defendant in error having filed and read in open Court the following Statement, viz:

"The Transcript of the Record in the foregoing cause being herewith filed, whereby it appears that Judgment was given in said Supreme Court in July 1823 affirming the Judgment of the Circuit Court of Polk County. A Copy of which was duly sued out by the defendant to remove said cause to this Court, which Writ of Error was made returnable to January Term 1824 and it further appearing that the said Plaintiff in Error has failed to file the Record in this Court. It is therefore now moved by the Counsel for defendant in Error that said cause be docketed and dismissed." Whereupon the Court in pursuance of the 16th of this Court to them this writ of Error docketed and dismissed. In consideration whereof, It is now ordered and adjudged by this Court that this writ of error to the Supreme Court of Tennessee be and

Cause is hereby declared and dismissed with Costs and that this cause be and the same is hereby remanded to the said Inferior Court for the proceedings to be had therein in conformity to law and justice this said writ of Error notwithstanding

Jno. Mc Kee Clk. Sup. Court

54. | Pro. &c. on of Saml. M. Gentry ff in Err vs Martha A. Jetmore | Assignment of Errors confirmed by the Attorney for the defendant in Error and ordered by Mr. Chandler for the plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at Eleven O'clock.

Wednesday February 5th 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Marshal	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion filed made to the Court on this day by Mr Webster it is ordered that Thomas F. Carpenter Esquire of the State of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday February 5th 1845 Continued.

Thomas Wilson &c. pltfs in Er.	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Georgia.
38. vs.	
Isaac Smith	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Georgia, and on the question on which the Judges of the said Circuit Court were opposed in opinion and which was ordered to be certified to this Court for its opinion according to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof it is the opinion of this Court that the said Circuit Court of Chatham County in the pleadings and proceedings mentioned in the action for money had and received. Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court

Per. Mr. Ch. Just. Taney

Mr. Just. Baldwin did not sit in this case.

Wednesday February 5th 1851 continued

Richard Dunn v. Mary Dunn his wife & als

158 vs

Mary Heath

On appeal from the Circuit Court of the United States for the Eastern District of Pennsylvania.

Mr Brodhead of Counsel for the Appellants in this cause having filed and read in Open Court a Statement on motion & filing said that the Transcript of the Record of the above cause had been transmitted within the first six days of the term but that by an unavoidable accident it had not reached the Counsel until recently, now have moved the Court to amend and rescind the order of this Court of the 31st ultimo dismissing and dismissing this Appeal On Consideration whereof, It is now here ordered by this Court that the decree of this Court of the 31st of January last dismissing and dismissing this Appeal be and the same is hereby rescinded and annulled upon the payment of the costs for the Appellants and that the Appellants have leave and the same is hereby granted them to file the Record and docket this Appeal in conformity to the Rules of this Court.

per. Mr. Ch. Just. Taney.

Wednesday February 5th 1845. Continued

35.	James L. Ambler appellant vs. William K. Wall & al.	The argument of this cause was commenced by Mr. Coxe for the appellant, continued by Mr. [illegible] & Mr. Scott for the appellees and concluded by Mr. Coxe for the appellant.

Proclamation having been made the Court retired and until [illegible]

1066

Thursday February 3rd 1831.

Pursuant to adjournment this Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Joseph Story	
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hamilton Esqr. Marshal
William Thomas Carroll Esqr. Clerk

Whereupon time made the Court adjourned.

The Mayor &c of Georgetown use of Washington County & District of Columbia

vs

The Baltimore & Ohio Rail Road Company.

The argument of this cause was commenced by Mr. [illegible] for the plaintiffs in Error

Whereupon time being made the Court adjourned until Saturday morning at eleven O'Clock.

Friday January 2d 1835

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Council	Hon. S. Allen	Chief Justice
	Hon. [illegible]	
	Hon. [illegible]	
	Hon. [illegible]	[illegible]
	Hon. [illegible]	[illegible]
	Hon. [illegible]	
	Hon. [illegible]	

Thomas Cook Esqr Marshal
William [illegible] Esqr Clerk

Proclamation being made the Court opened

On motion [illegible] made to the Court on the [illegible] day by Mr Van Ness Solicitor [illegible] and on the Petition of William [illegible] Esqr praying to be admitted to practice as an Attorney and Counsellor of this Court and it appearing [illegible]

Friday February 7th 1851. Continued.

Daniel Calhoun Esq vs The United States	On appeal from the District Court of the United States for the Southern District of Mississippi.

Mr. Attorney General of Counsel for the Appellee having filed and read in Open Court the following Decree viz:

"United States of America.

Southern District of Mississippi.

"Daniel Calhoun" "District Court U.S."

"vs" "May 17th 1850."

"The United States" "Trial Decree on Demurrer & Bill."

"Decree."

"This cause coming on to be heard upon the Bill and Exhibits of the Complainant and the demurrer of the United States, and the Court having heard Counsel upon both sides, and being sufficiently advised in the premises, do order adjudge and decree that the said demurrer be sustained, and the Bill of Complainant dismissed. It is further ordered adjudged and decreed that the Complainant do pay the Costs of this suit to be taxed by the Clerk."

Jno. Daniel.

"Appeal granted upon the requirements same bond with good and sufficient security conditioned according to law to be approved by the Clerk within 10 days."

"Appeal bond filed & approved Feb 8th 1845

United States of America

Southern District of Mississippi } Circuit Court U.S.

"I William H Brown, Clerk of said Circuit Court do certify that the foregoing is a true and correct copy of the decree made in the above stated case together with the order made granting an appeal therefrom, as taken from the minutes of said Court. That I do further certify that the Appeal Bond in said case was filed and approved within 10 days after the rendition of said decree.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Jackson, this 8th day of February A.D. 1845.

Seal.

W. H. Brown Clk.

by Chas H Rogers D.C

and having stated that the Appellant had also filed the Record of said case in this Court & in any way complied with the

Friday Session 1845 Continued

[illegible] moved the Court on [illegible] of the 53d Rule of this Court to have this Appeal docketed and dismissed. On consideration whereof it is now here ordered and decreed by this Court that this Appeal from the Circuit Court of the United States for the Southern District of Mississippi be and the same is hereby docketed and dismissed and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice the said Appeal notwithstanding.

per. R. C. Taney

The State of Maryland use of Washington County } vs. The Baltimore & Ohio Rail Road Company.	38

On motion of the counsel aforesaid by R. J. Jones for the plaintiff in Error and by Mr. Johnson Attorney General of Md. for the defendants in Error

Proclamation being made the Court is adjourned until Monday morning at Eleven O'Clock.

Monday February 11th 1805.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble	The Judges	Chief Justice
	Joseph Story	
	John M'Lean	
	James M'Kean	Assist
	John Catron	Justices
	John M'Kinley	
	Peter V. Daniel	

Edmund Carter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court was opened

On motion ordered that the Court do now adjourn sine die

Ordered that Mark L. Hoffman Esqr of Reading in the State of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was accordingly

Monday February 11th 1833. Continued

On motion for made by the Court on this Writ of Ne Van de Venter. Ordered that Van Main Esqr of Baltimore in the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Cary Mathews. Plff vs John C Clark. admr of Willard M. Melvine	Mr Whipple having filed and read in open Court his petition for an account of Counsel in pleading to be had. It is ordered that said cause be continued to the next term and that the papers & Books be ordered back to them with authority to set all cases of error thereon for, and to amend the same as they may be advised, having first made this parties, and to be amended upon the payment of all costs and such order and upon such terms shall be made part of the record, and the cause shall then be heard and decided in this Court in the same manner as if no such order had been made and came up as part of the original record

John C Clark by his Solicitor
John Whipple
Wm D Carpenter Solr
Cary Mathews

It is thereupon ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.—

The State of Montana ex rel Washington County, Pltff &c vs The Baltimore & Bay Coal Mining Company.—	The argument of this cause was continued by Mr Peredy Johnson for the defendant & was resumed by Mr Sargeant for the Plaintiff in error.

Proclamation being made the Court adjourned until tomorrow morning at 10 o'clock A.M.

Thursday February 11th 1845.—

Pursuant to adjournment the Court met this morning at the Capitol

Present.—

The Honorable Wm. D. Cranch Chief Justice
Joseph Story
John McLean
James M. Wayne
Gabriel Duvall
John McKinley
Peter V. Daniel
Associate Justices

Alexander Hunter Clerk Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened.—

30. Ishael Monk } Appeal &c.
vs
William L. Nicholls, William Johnson, Charles M. Lee, Thomas, Edward M. Linthicum, Ezekiel Simmons, Paul Stevens & Charles S. Sutton.

from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

Submitted on the transcript of the record and argued by counsel for the appellant, no counsel appearing for the appellees.

On consideration whereof it is ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

copy of the Record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be remanded to the said Circuit Court with directions to award a venire facias de novo.

Per Mr. Justice Daniel

Robert Wash Griffith & al vs Henry Addison.	In error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the Record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be remanded

the same is hereby remanded to the Circuit Court with directions to award a venire facias de novo. per Mr Justice Daniel ..

The United States ... appts vs William A Graham	On a question of division in opinion between the Judges of the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel On consideration whereof, It is the opinion of this Court that the Office of the Secretary of State and the Office of the Navy Department are, always have been, always to be considered in forming an estimate of the circumstances which entitle them to benefit of any and emoluments and the proper Officer of the Secretary of State and of each Department of the Navy under the command, would be entitled to an Office of the

Lieut. Colonel grade, be heard pay and emoluments, as not entitled to Brevet pay and emoluments.

Q. Does the act of 1854 ch. 183 deny pay the first section of the act of 1861 entitles the pay and emoluments of Brevet Officers.

A. That the provisions of the act of 1854 ch. 183 and the first section of the act of 1861 ch. 25 for double salaries, does not determine what pay or emoluments are entitled to them.

Q. 4th. Can a Brevet Field Officer of the Marine Corps commanding a detachment, as part entitled to Brevet pay and emoluments, or must such Officer be in the line of promotion of the Corps, or both, or is no command of Corps necessary, or both, or is no command of a post or navy yard entitled to the consideration of the 1st section of the act of 1861 ch. 25 for Brevet Officers of the Marine Corps, or must such Officer be in the line of promotion of the Corps?

A. 4th. Each Brevet Field Officer of the Marine Corps commanding a detachment, a post without a command to which such Brevet Officer is attached in the line of promotion of the Corps, or both, is not entitled to the consideration of the 1st section of the act of 1861 ch. 25 for Brevet Officers of the Marine Corps, or must such Officer be in the line of promotion of the Corps?

the same is hereby remanded to the Circuit Court with directions to award a procedendo accordingly.

Per Mr Justice Daniel.

The United States vs William L Sumner	on a subpoena in Error to the Circuit Court of the United States for the District of Massachusetts.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Massachusetts and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion according to the act of Congress in such case made and provided, and was argued by Counsel On consideration whereof, It is the opinion of this Court 1st That Officers of the Marine Corps and the Officers of the Navy have been always in the usage of receiving in respect to the circumstances entitling them to travel pay and emoluments and that a travel [illegible] of the Marine Corps commanded on a recruiting service in the City of Boston under the command would not entitle an Officer of the

thing of Damages to be assessed by law and evidence, and not entitled to Interest and costs.

2d. That the verdict of the Jury is not warranted by the evidence in the cause, and does not entitle the Plaintiff to recover.

3d. That the verdict is against the weight of the evidence in the cause.

4th. That the Plaintiff, upon the second plea of facts in the record of this cause, by the Statute in such case made and provided, is not entitled to have judgment entered for him.

5th. That the Plaintiff, upon the second plea of facts in the record of this cause, by the Statute in such case made and provided, is not entitled to have judgment entered for him.

6th. And the Defendant, by his Attorney, comes and defends the wrong and injury when &c. and says that the Plaintiff ought not to have his aforesaid action thereof against him, because he says that he, the said Defendant, at the time of the commencement of this suit, was and still is a Citizen of the State of Connecticut, and not a Citizen of the State of Vermont, as the Plaintiff hath above in his declaration alleged; and this he is ready to verify. Wherefore he prays judgment if the Court will take cognizance of the action aforesaid.

of the said Circuit Court.

for Mr Justice Wayne.

Thomas Edmund Dunnage
Plaintiff in error

vs

John Williams Esqr. &
Isaac Strawn Defts

In error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and that the cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and in conformity to the opinion of this Court.

for the Chief Justice

87	Wm. Gwathmey & al vs Wm. Lowe & Exrs

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Indiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Indiana and on the question and point on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel On consideration whereof it is the opinion of this Court that the Complainants did not exhibit to the defendants in this cause such a valuation of the property mentioned in the bill of complaint at the time of the sale, as that the said sale ought to be set aside for that cause, but that the said sale was in all other respects valid and ought to be confirmed and that the said Complainants bill ought to be dismissed with costs, It is therefore ordered and adjudged by this Court that the same be certified to the Judges of the said Circuit Court

Jos. Hopkinson

5180.

Tuesday February 11th 1845 Continued

51.	Nicholas Fox Plff in Er. vs The Pub of Conn.	It is now ordered by the Court that this cause be and the same is hereby continued to this next term of this Court and that it then be re-argued.
52.	Samuel Sanford et al Plff in Er. vs Elihu Chauncey et al	On motion of the Counsel in behalf of the defendants in Error It is now ordered by the Court that the Clerk do forthwith issue a mandate in this cause.
53.	Samuel Hinton Plff in Er. vs The Court of Wisconsin Ter.	It is now here ordered by the Court that this cause be and the same is hereby continued to the next Term of this Court and that it then be re-argued.
54.	Andrew Dove et al Plff in Er. vs The State of New Hampshire	It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court for further advisement.

Tuesday February 11th 1845. Continued.

58.	The State of Maryland use of Washington County Plff in Err vs The Baltimore and Ohio Rail Road Company	The Record of this cause was remitted by Mandamus to the Plaintiff in Error.

Proclamation being made the Court adjourned until tomorrow morning at Eleven O'Clock.

Wednesday February 1st 1815

Present to adjournment the Court and the members at the Capitol

Present

The Honorable	Gabriel Duvall	Chief Justice
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Dallas Bache Esquire Marshal
William James Carroll Clerk

Proclamation being made the Court adjourned

On motion filed made to the Court on behalf of Mr. Mc Whorter - Resolved that said Mr. Mc Whorter be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Wednesday February 12 1845 Continued

U.S. & Canal at Lyons & Lyle of Wm H. Faulkner et al	Assignment of this writ endorsed by the Sheriff for the plaintiff in Error and continued by the Court through for the defendant in Error

Proclamation being made this Cause is adjourned until tomorrow morning at Eleven O'Clock

Thursday February 15th 1849

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Court	Peyton S. Cary	Chief Justice
	John M. Gaut	
	James H. Hayes	Assistant
	John Caton	Justices
	John McKinley	
	Theo. Lyon	

Alexander Emmett Clerk Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion it is ordered by the Court on the death of the Hon. Thomas Emmett late Attorney of the State of Illinois that the Attorneys of the Court wear the usual badge of mourning for thirty days.

57	Wm. C. Crawford Appellee vs John J. Hinds Executor &c	Argument of the cause commenced by Mr. Coughlin for the defendant & concluded by Mr. Collamer for the plaintiff in Error
58	Calvin Sheffield Appellee vs Calvin Sheffield Exr.	Argument of the cause commenced by Mr. Dana for the Appellant.

Further hearing of the cause postponed until to-morrow at 11 O'clock A.M.

Friday February 16th 1823.

The Court adjourned till Court in course at the Capitol

Present

The Honorable Roger B. Taney Chief Justice
Wm. Cranch
James M. Wayne Associate Justices
Wm. Cabell
John McKinley
Peter V. Daniel

Francis Scott Key Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court adjourned.

On motion ordered by the Court that Henry M. Phillips Esquire of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday February 12. 1875. Continued.

Jesse Thompson Jr. et al vs West Chester Rail Road Comp'y	Mr. S. H. Ingersoll having filed and read in open Court the following suggestion in writing to Court. —

"In the printed record a mere omission is made of a portion of the memorandum of charge.

1. After the words "a Court in Indian" should read "and the Indians of the part thereof are four and a half pages of Manuscript paper."

2. On page 3rd of the Manuscript are these words "Now Witness that the said of 1852 gives only one third to the said Thos of 852 and 853 and is a deed in fee to the Indians who had purchased and paid for the Reservation mentioned in the Indenture"

I move that the Order Book be

Thereupon Mr. Ch. J. P. Broomall objects to the change in the mem. as found the following words "and in 1849 and only one third thereof to [illegible] deeds in fee as protection against such subsequent sale"

On page 3rd of the Manuscript charge are these words "In the case before us it clearly appears that the defendant constructed their Rail Road with the [illegible]

Friday February 14th 1823. Continued

the plaintiff's application for the second patent consequently that may continue the use without liability to the plaintiff.

The same was ordered by Judge Baldwin contains these words "It is to be made that I find in the use may continue use."

Since I will be favored the way from which to be written and the evidence received was admitted to be read to Judge Baldwin, was omitted in the charge at Philadelphia. The language of the charge as written out is somewhat more extended than that of a mere notes which it was delivered but it is substantially identical, and in fact literally the same.

The important question in the case was the defendants right to use after the date of the first the specification machine constructed and used prior the date of that patent. But question arising on the limited record is not decided at all nor left to the jury, no error assigned at on record to it.

The whole charge is not annexed, but only those parts distinctly excepted to at the time and inadvertently omitted by a. oversight.

It is obvious, besides that the charge on the

fragment of a charge granted is not only useless but
pernicious. The Judge says, p. 21 "another important
question &c." Not in question appears. The manuscript
must be consulted in order to give meaning or effect
to the phrase.

The Counsel for the defendant
in Error could probably have with some purpose
that this objection was taken upon. To the point
book which that Counsel has raised to be found
Laws 3 s. passage 4th the 4th section of the Act of 1830
is quoted and subjected to pointed preferences.
All this is without avail as upon the pointed
record. The charge of the Court of the Judge
form of the Exception

upon the face of the Judge's Notes
to the Jury &c." Can remain no effect on
the enrolled finding of the Court.

The Counsel for Plaintiff in Error rely
upon cases for a certain good not pleaded
at the bar. But the Court was bound to
assume in favor that the Judge understood
the point which charge on the record and his
conclusions made along with it. Thus
the Court charge under the form of the
Exception must be a part of the record

Friday February 14th 1845 Continued.

2. He omitted quite in the Jewish record as the offence and subsistence of the case admitted by the Judge to be such and properly applied to all the moment.

3. He made by some a misjoinder and variance of a block.

4 Certain injustice will be done if the objection be not recorded.

5. Was the Judge bound to explain and might he even by him, but not more precise [illegible] be written indorsement on the memorandum of counsel.

Finally - the Jewish court moves that the Judge put the case on two points

First was the second patent void?

The Judge decided that it is.

Secondly - If the second patent was not void how can the plaintiff recover when the specific machine use by the defendants was first made and use by them before the second patent was taken out.

The second point was left to the Jewish court, the Judge stated, but does not decide as for in such case he told the jury decide. And conclusion admitted with the [illegible]

provided that a copy of this order shall be
delivered to the Sheriff of the County of Jefferson
to be executed by the Sheriff of the United States
for the District of Virginia by commanding him to
cause the said Defendants to appear
and answer the said Bill of Complaint
which Injunction shall be awarded by the Court
if the said motion be and the same is hereby
granted. A Copy Teste

Calvin Wolfskill &c
v.
Indian Wolfskill &c

Argument of the
cause was continued
by the Court for the
Defendants and by
the Complainant for the Defendants

Motion having been made by the Counsel
for the Complainant

Monday February 1st 1845.

20	Calvin Bedford vs vs Isaac Bedford &c	Account of the sum ...

Execution to be issued ...

ordered by the Court that the said writ of Error
be and the same is hereby dismissed with Costs
for the Want of Prosecution

The United States Plaintiffs in Error vs Peter Shore the Elder Defendant in Error	This Cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof it is now here ordered and decreed by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs. By Mr Justice Wayne

Recognizance bond filed. The Court adjourned until to-morrow morning at Eleven o'Clock

Wednesday February 9th 1853.

Court to adjourn and the Court met this morning at the Capitol

Present

The Court | Jesse D. Thomas | Chief Justice
| John McLean |
| James M Wayne | Associate
| Peter Cabin | Justices
| Ebn't Daniel |

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is Opened.

Ex parte The United States for the use of Edmund McGinley Plaintiff in Error	In error to the Circuit Court of the United States for the Southern District of Mississippi
vs.	
Martin A. Stephens	

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in

Wednesday February 19th 1823. Continued

Resolved that the Committee of Ways and Means be instructed to inquire into the expediency of reducing the duties on Coffee Cocoa and Pimento

Ordered that the Committee of Claims be discharged from the further consideration of the petition of Thomas Child

1898.

Thursday January 13th 1898.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Peter V. Daniel	

Alexander Hunter Clerk Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this case by Mr Paine it is ordered that Wm H Carlton Esq of the State of Indiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court by Mr Marshall it is ordered that C. C. Hall Esqr of the State of New York be admitted to practice as an Attorney and Counsellor of this

Court and Equitable matters.

	Wm. Cubit jun. & Co. vs. Wm. Cubit jun. & Co.	Bill of Complaint for the Defendants to answer the Complainants Bill of Complaint or be taken pro confesso. Ordered by the Court that this cause be and the same is hereby confirmed to the next Term of this Court.
62	The United States vs. William Moore	This cause coming on to be heard by Mr. Attorney General upon the Petition and Information filed and exhibited on behalf of the Plaintiffs and argued by the Attorney General of the United States.
63	William T. Whitehead vs. William M. Coxe	Demurrer to Complainants Bill of Complaint argued by Mr. Coxe for the Defendant and by Mr. Meredith for the Complainant in support of the Demurrer.

Thursday February 21st 1805 Continued

61	William Buchanan vs. James Shanks	Mr Lee of Counsel for the defendant moved the Court to dismiss this cause & Mr Morgan on behalf of the plaintiff consented the same accordingly was ordered by the Court that this cause be and the same is hereby dismissed & the same from the Docket of this Court.
62	Alexander Buchanan vs. James Shanks	Mr Lee of Counsel for the defendant moved the Court to dismiss this cause & Mr Morgan on behalf of the plaintiff consented the same accordingly was ordered by the Court that this cause be and the same is hereby dismissed & the same from the Docket of this Court.
63	Alexander Buchanan vs. James Shanks	Mr Lee of Counsel for the defendant moved the Court to dismiss this cause & Mr Morgan consented the same accordingly was ordered by the Court that this cause be and the same is hereby dismissed & the same from the Docket of this Court.

Friday February 24th Rec. Continued

18.	Peter Lane vs. Aff'ts vs Peter M Kee vs.	Mr Collier on behalf of the Aff'ts moved the Court for a rule on the Defts to shew cause why a writ of error should not issue to bring the record of the proceedings in this cause into this Court which Court has sufficiently advised of and considered of the premises doth order the same to be argued the first day of the next term.
13.	Peter Pickard vs. vs Jeffries &c. James Thorp vs.	Mr Cox on behalf of the Plaintiff in Error moved the Court for a rehearing of this cause which is ordered to be argued the same. Whereupon this Court having sufficiently advised of and considered what order to make in the premises doth order the same to be argued the first day of the next term.
4.	Saml Parker vs. Jeffs vs Wm J Williamson's admr	Saml Parker on behalf of the Defendant moved the Court for a rehearing of this cause which is ordered to be argued the same. Whereupon this Court having sufficiently advised of and considered what order to make in the premises doth order the same to be argued the first day of the next term.

John Scott and Wife &c v Earl of Eldon and Jeremiah Dixon	Mr Hardcastle on behalf of the Plaintiffs in Error and the Counsel on the other side of the Question argued by Mr Campbell for the Defendants in Error. Whereupon this Court not being now sufficiently advised of and concerning the Premises to render an Judgment but will thereof advise.
Robert Duckett and others v William Duckett and	Mr Pemberton Leigh moved to dismiss the Appeal by Mr Attorney General for the Respondents and contended by Mr R. Palmer for the Appellants.
Thomas Murray and Wife &c v Thomas Potter	Mr Swabey for Thomas Potter the Defendant in Error moved to dismiss the Writ of Error on the ground that the Plaintiffs in Error had not assigned Errors within the time limited by the Rules of this Court, but on Tuesday the 28th ult. Mr Bowen Counsel for the Plaintiffs in Error the said Counsel were heard by their Counsel for an order to amend the Assignment of Errors which was

Friday February 2nd 1810. Continued

[illegible] the said Commissioners upon the same [illegible] to the Court that such [illegible] [illegible] of the said Commissioners shall be [illegible] within the first ten days of the ensuing [illegible] of the Court the Sheriff of Cumberland shall be [illegible] to open the record for the purpose of [illegible] at large: Provided that a copy of this order [illegible] published according to the requirements of [illegible] Laws

[illegible] be issued to Commissioners [illegible] Monday morning at Eleven O'clock.

Monday February 21st 1825.

Pursuant to adjournment the Court met this day at the Capitol

Present

The Court	The Sheriff	Clerk Pro tem.
	Capt. Hay	
	John M'Lean	
	Thos. A. Hays	Assistant
	Jno. Coles	Justices
	Jno. M'Pherson	
	Wm. I. Daniel	

Alexander Hunter Esqr. Assistant
William Thomas Esqr. Clerk.

Proclamation being made the Court adjourned.

On motion ordered by the Court that Thomas Mann Randolph Esqr. be appointed Lieut. Governor of the State of Virginia for the ensuing year, and that he be summoned to attend the Court and Commander of the Court and to assume accordingly.

Monday February 24th 1845. Continued.

55 James D. Lodwick Appt
vs
William H. Wait and
John McLean

Appeal from the Court of Appeals for the Western District

This cause came on to be heard on the Transcript of the Record from the Court of Appeals for the Western District and was argued by Counsel. On consideration whereof it is now here ordered and decreed by this Court that the decree of the said Court of Appeals in this cause be and the same is hereby affirmed with costs.

Jr. Mr. Justice Story.

56 Robert Boswell et al Appts
vs
William Ross et al

Argument of Counsel in this cause on motion to dismiss for want of jurisdiction in this Court

57 The United States Appellants
vs
Richard Wells et al

Argument of Counsel in this cause on motion to dismiss for want of jurisdiction in this Court

Motion being made by Counsel and cause to be heard ex parte

Motion overruled & Decree of Circuit Court

Tuesday February 25th 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Jno. J. Crittenden	Chief Justice
	Jno. Catron	
	Jno. McLean	
	Henry M. Brackenridge	Absent
	Jno. Catron	Justice
	Jno. McKinley	
	Peter V. Daniel	

Miranda Clerk Eqquire Marshal
William Thomas Crier

Proclamation being made by Crier as ordered

4.	Samuel A. Pleasants et al Appellants vs John L. Robinson et al	In consideration of the motion made by Counsel for Appellants on the part of the Second Term of this Court and being the second term of the second Circuit in the Fifth District of the United States it is ordered by the Court that the said motion be and the same is hereby overruled.

Tuesday February 25th 1823 Continued

55.	Henry Hunt Plaintiff in Error vs Jeffs and Co. Thomas Bryce defendant	On consideration of the motion made by Mr Coyle of Counsel for the plaintiff in error it is ordered by the Court that the said motion be and the same is hereby overruled.
56	Peter Bell et al Plaintiffs in Error vs Estate of Edward Jones Deceased	On consideration of the motion made by Mr Hambleton of Counsel for the plaintiffs in error it is ordered by the Court that unless the said plaintiffs in error shall cause the record in this cause to be filed with the Clerk of this Court on or before the 21st instant the writ of error heretofore issued in this cause be dismissed with costs.
57	Hugh McClure Plaintiff in Error vs Thomas C Downes defendant	On consideration of the motion made by Mr Henderson of Counsel for the defendant in error it is ordered by the Court that unless within sixty days from the first day of the present term of this Court it will be dismissed with costs.

the Plaintiffs in Error shall pay to the Clerk of this Court the costs incurred in the same, to be taxed according to the Rules of this Court, and allowed by the Judge who signed the citation, hereof, or else this writ shall be dismissed.

Jas. M. Ch. Justice.

Robert Wellsley et al vs Joseph A Dalton et al	The Clerk having filed and read an affirmative opinion in writing in the following words and figures to wit:

"Circuit Court of the United States
Eastern District of Louisiana

Robert Wellsley et al
vs
Joseph A. Dalton et al

In the above entitled cause I order that a final Judgment and record in the Circuit Court of the United States for the Eastern District of Louisiana on the twenty third day of January Eighteen hundred and forty five and that a writ of Error may be issued to the Defendants returnable to the January Term 1845 of the Supreme Court of the United

Sunday February 24th 1845. Continued

Seal.

Seal

Witness my hand and the Seal of said Court at San Diego this 24th February 1845

Thomas A. Thomas Clk

and record the same to be duly and diligently the said writ of Error made to the said Court, Now therefore the same is ordered and ordered by the Court that the said writ be and the same is hereby accepted, the Clerk of this Court to the said writ being duly sworn and according.

Jos. Ex. Clk. Dist. Court

The United States plaintiffs in Error

vs

Samuel Lee

The argument of the said cause ordered by the Court to be submitted by the plaintiffs in error on the 1st Monday in March for the defendant in Error.

Proclamation being made the Court adjourned until tomorrow morning at eleven o'clock

Wednesday February 2d 1813.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Court	Jno. Tyler	Chief Judge
	Jos. Story	
	H. M. Brackenridge	
	Jno. A. Wilcox	Assist.
	Jno. Cotton	Judges
	Jno. Mc Kinley	
	Thos. Todd	

Alexander Contee Hanson Attorney
William Pinkney Counsel this

Proclamation being made the Court proceeded

on motion filed made to the Court on the 1st by Mr Gen. Pinkney that William H. Woodward Esquire of the District of Columbia be admitted to practice as an Attorney of this Court and he was accordingly

Supreme Court U.S. 1853. continued

William Allen v. Marian S. Williams et al. Appellants

29 vs

Peter Hall, for the use of himself and Alexander K. Evans, Wm. C. Whitcomb, Peter Hall Jr. Whitcomb, Executor and Exec[illegible] of William H. Whitcomb, Benjamin A. Hall, Marian S. Hall, Hannah C. Sanders, Peter D. Orr, Jane Orr, Mary S. Orr, Hannah M. Evans, Sarah Jane Taylor, Ann E. Smith and Adam G. Smith heirs of Peter H. Hall, deceased, Philip Ca[illegible] Jr. Orr, Peter D. Smith and Sarah A. Smith his wife, Nathaniel L. Sudduth, William H. Van Horn and Margaret Van Horn his wife, Peter Ogden and Susan Ogden his wife, Samuel Pugh, executor of Archer Brown, dec[d] Noah Bunch, admin[r] of William Perkins, dec[d] and William H. Van Horn admin[r] of William Barr, dec[d]

On appeal from the Circuit Court of the United States for the District of Ohio

This cause came on to be heard on the transcript of the Record from the Circuit Court of the United States for the District of Ohio and was argued by counsel. On consideration whereof, It is now here ordered, adjudged and decreed by this Court that the decree of the said Circuit Court in this cause be and the

Cause is duly affirmed with costs.

Per Mr. Justice Story.

Peter of Philip Barker and Thomas Barker heirs and Elizabeth Wyche and Thomas S. Gholson

vs

Philip Barker
Samuel A. Mumford Elizabeth Wyche Sarah Ann W. Lightman and Mary Ann

In Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel On consideration whereof, It is the opinion of this Court that the said Circuit Court erred in permitting the record from the Supreme Court of Mississippi in the case of Mumford vs. Barker et al to be read in evidence in support of the plaintiffs title. Whereupon it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

Per Mr. Justice Story

Wednesday February 22nd 1843 Continued

54. [illegible] Curry and John H. Tyson vs Jefferson &c.

[illegible] in the name of John L. Fairbairn, Elizabeth Ann Fairbairn, Mary H. Fairbairn and Francis Fairbairn, children and heirs of Maria Eliza Fairbairn dec'd

[illegible] Circuit Court of the United States for the District of [illegible]

[illegible] and this cause coming on to be heard on the transcript of the record from the Circuit Court of the United States for the District of [illegible] and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and annulled and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias &c.

[illegible]

55. [illegible] Samuel Swan vs [illegible] Samuel Swan and Charles Swan [illegible]

[illegible] Circuit Court of the United States for the District of [illegible]

[illegible] and this cause coming on to be heard

[illegible]

[illegible] David M[illegible]
[illegible] Isaac [illegible] Tibbetts,
[illegible] Writ of Error
[illegible] the District [illegible]
[illegible] H. Lewis, [illegible] Peter
and William [illegible] of
[illegible] and
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Writ of Error to the Supreme Court of the State of Ohio.

This cause came on to be heard on the Transcript of the Record from the Supreme Court of the State of Ohio and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court that such proceedings may be had therein as may be [illegible] to law, the opinion of this Court

[illegible]

[illegible]	On motion of the counsel on the part of the plaintiff, and by consent of the defendant, by his counsel, and on filing the affidavit of the Attorney of Counsel for the plaintiff in the cause, and of the sureties in the recognizance entered into by the plaintiff on the issuing of the writ of attachment in this cause, it is ordered by the Court that the said writ of attachment be and the same is hereby discharged.
[illegible]	On motion of the Attorney of Counsel for the defendant, it is ordered that the writ of attachment issued in this cause be and the same is hereby discharged.

Wednesday February 21st 1838 Continued

	The United States pfts.	Document of this case was ordered to be filed & dismissed pltf. paying costs
	vs	
	Daniel Kemp et al	

Defendants have and by their counsel move for a new trial

5136

Thursday February 2nd 1815.

This Court being adjourned to the Court room in the new building at the Capitol.

Present

The Chief Justice	The Hon. J. Livingston	
	Joseph Story	
	John McLean	
	James M. Kinzie	Associate Justices
	Thos. Todd	
	John McKinley	
	The Hon. R. Brent	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court set down

Carlisle vs Litchfield appeal

vs

Lewis Scott, Executor of Andrew Litchfield dec'd

Appeal from the circuit court of the United States for the District of Columbia holden in and for the County of Alexandria and is

Ordered that the Appellee cause to be docketed on the Court docket of this Court the record from the Circuit Court of the United States for the District of Columbia holden

Tuesday February 2nd 1813. Continued.

and for the County of Alexandria and was argued by Counsel. On consideration whereof it is ordered and decreed by this Court that the decree of this Court in this cause be and the same is hereby affirmed with costs, this being a decided Case.

Per Mr Chief Justice Marshall

Mr Chief Justice Marshall announced to the Bar that the Court would adjourn on Saturday the 6th day of March inst and that the Court would receive any arguments after that day on the 3d of the same month.

The United States for the use &c. vs. Richard Lee et al	On motion of Attorney for the defendants in Error and on the Affidavit of Mr Williams Counsel for the plaintiffs in Error

Thursday February 5th 1835 Continued

Com. Alabama pltf. &c. vs George M. Davis	M. Cox & Conrad for the defendant in Error move this Court to reverse this cause & the motion heard. The Court for the plaintiff in error not ready. On consideration whereof it is ordered by this Court that this cause be and the same is hereby continued to the next term of this Court

Proclamation being made the Court adjourn until tomorrow morning at eleven O'Clock.—

Pursuant to adjournment the Court met this morning at the Capitol

Present

P. Marshall	Jno Tyler	Chief Justice
	Gabl Duval	
	Wm. M'Lean	
	Bushrod W. Washington	Absent
	John Catron	Justice
	John M'Kinley	
	Jos. Story	

Edmund Law Esqr. Marshal
William Thomas Carroll Clerk

Information being made to Court as follows

On motion of Mr. Key and Mr. Jones it is ordered that Dominick O. Cary Esquire of the State of Maryland be admitted to practice as an Attorney and Counsellor of this Court and do take the usual oath

On motion it is ordered by the Court in the above cause by the Marshal of the Southern District of the State of New York be authorized to sell the Steam Boat Alida and Tackle &c. now in his custody under the process of this Court and pay the proceeds thereof into Court

John Dominick & John O. Shaw, Partners &c. Libellants &c. vs. 15 Angus Stewart admr of Alexander Grant	In the Circuit Court of the United States for the Southern District of Alabama.

Mr. Nelson of counsel for the defendant in error having filed and read in Open Court the following certificate, to wit:-

"United States of America

Circuit Court of the United States for the fifth Judicial Circuit and Southern District of Alabama.

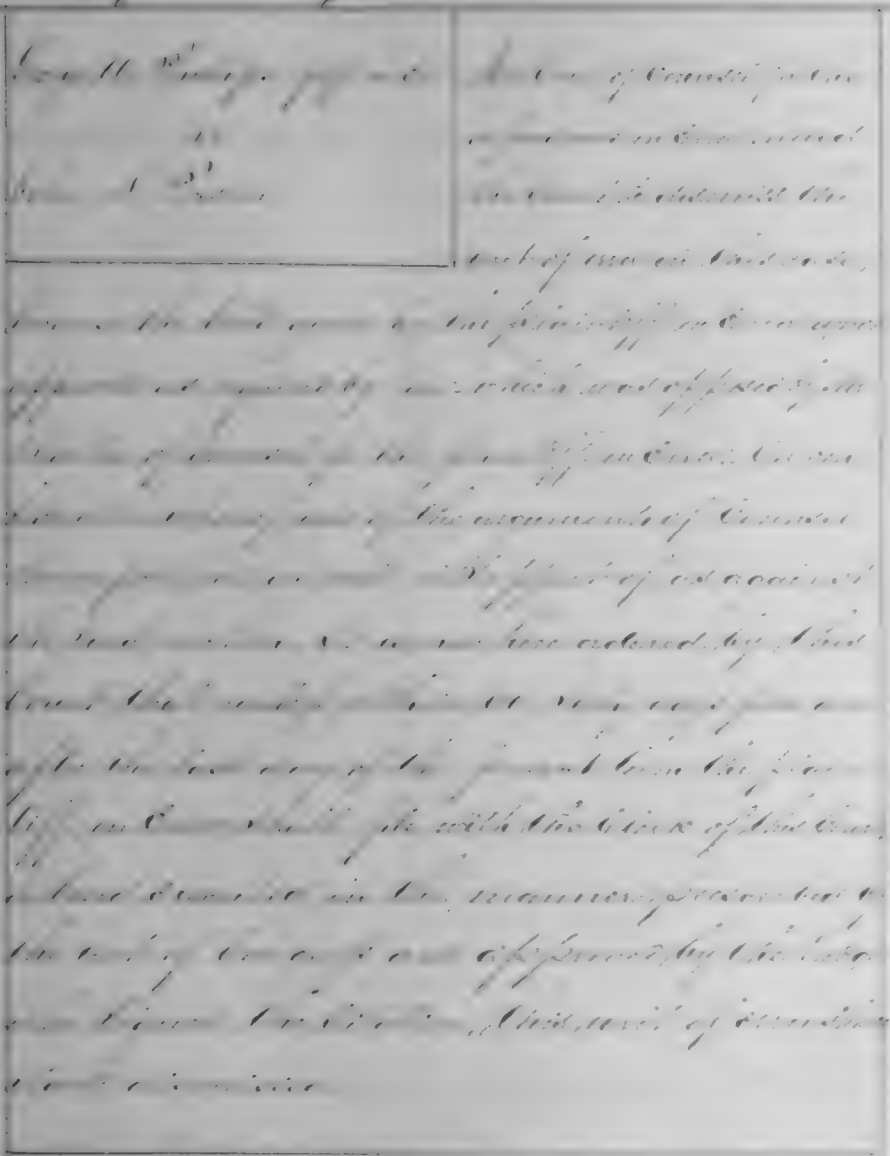
I John Hall Clerk of the said Circuit Court do hereby certify, that at a term of the said Court begun and held in and for the said District at Mobile, on the second monday of March A.D. 1841 Angus Stewart administrator of Alexander Grant caused a judgment against John Dominick &

Seal

and having stated that he was prevented
attending Court by sickness
failed to file the
[illegible] pursuant
to [illegible] moved the Court in pursuance
of the [illegible]
[illegible]
[illegible]
[

Friday, February 28th 1845. Continued

Seal



Friday February 8th. Continued

123. [illegible] 18

[illegible]

[illegible]

[illegible]

Index Volume [illegible] Continued

YO

LUME

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5733

Monday March 5th 1855 Centennial

Franklin Pierce President of the United States
of America

To all and Singular to whom these Letters
Patent of Privilege shall come, Greeting:
Whereas Samuel Atkins, of Nashville, Washington and Territory
of Kansas Nebraska, have represented, and by due
oath have made appear to the Secretary of State
of the United States of America, that they have
invented a new and useful Improvement in the Manufacture
of Cast Steel, which they believe will be of great
value and benefit to the Citizens of the United States
and have made application to them for Letters
Patent therefor, and have complied with all the requisites
required by the Laws relating to Patents
Now know ye, that I, Franklin Pierce President of the
United States of America, in consideration thereof,
and in accordance with the Laws of the United States
relating to Patents, have granted and by these
Presents do grant unto the said Samuel Atkins
his heirs and assigns for the term of
seventeen years from the date hereof, the exclusive right
and liberty of making, using and vending to others to be used
the said Improvement, a description whereof is given in the
words of the said Samuel Atkins himself in the Specification
hereunto annexed and forming part of these Presents
reference being had thereto
In testimony whereof I have caused these Letters
Patent to be signed by the President of the
United States and the Seal of the
United States to be hereunto affixed
Done at the City of Washington the Fifth day of March in the
year of our Lord one thousand eight hundred and fifty five
and of the Independence of the United States of America
the seventy ninth
By the President
W. L. Marcy Secretary of State

[illegible]

[illegible]

[illegible]

On motion ordered that the Clerk of this Court
do certify to the Governor of the State of Illinois
that Robert Blackwell is duly appointed
Attorney for the United States in and for the
District of Illinois.

On motion ordered that the Clerk of this Court
do certify to the Governor of the State of Illinois that Pierre Menard is duly appointed
Marshal of the United States in and for the District of Illinois.

The United States
vs
Ezekiel N. Carr

On motion of Gershom Flagg Esquire
Attorney for the United States for the District of Illinois.

Ordered that a Rule issue on the Defendant to show cause why a Writ of Mandamus should not issue to the Judges of this District Court commanding them to proceed to hear and determine the Motion heretofore made by the Defendant for a new trial in this cause and that the Rule be returnable on the first day of the next term of this Court.

Jas Crandel - Proposed to amend the Bill by striking out the 1st Sect.

1st That the Act of Congress entitled "An act to create additional land Districts in the State of Illinois and Missouri, and to divide the west of the State of Illinois" approved June 22, 1834 does not require the Secretary of the Treasury to cause the offer for sale the public lands remaining unsold within the limits of the land districts created by said act.

2d That the said Act does not require the President to cause said lands remaining unsold at the time of the passage of the act of 5th March 1836 entitled "An act granting Donations for the Support of the public Schools, to be known the United States Military Land and the Counties where any public Lands may be situated" to be offered for sale.

3d That the lands remaining unsold within the limits of the Land Districts of Quincy and Danville by the act of 22d June 1834 are not subject under any of the provisions of the Bill to be offered for sale at the minimum price of $1.25 per acre.

4th That the 1st Section of the act of June 22d

in no way affect any part of the fifth clause of the act of the 8th of March 1811 by which the lands containing coal mines were reserved for the future disposal of the United States by such sale or lease as Congress should direct but that the same might be sold for the United States as directed previous to the passage of the said act reserving the lands containing coal mines from sale or lease for a term not exceeding five years.

And be it further enacted that the determination by the Circuit Court of the District of Pennsylvania and Judge Peters of the existing Court of Common Pleas in the said District shall be and are hereby declared to be final and conclusive to the said parties

The United States Complt.
vs.
Thomas W. Dorr

In a cause of Ejectment between the parties in the Circuit Court of the United States for the District of Pennsylvania

Mr. Chief Justice Marshall delivered the opinion of the Court

This cause came on to be heard on the Transcript of the Record from the Circuit

Court of the United States in the Southern District
hereof are to be executed and sent on which
the Judges of the said Circuit Courts differ
in opinion and which are subject to their final
yet the opinion certain to the Supreme Court
that one more are found and are ordered
to Counsel. In consideration whereof It is
now ordered and decreed by this Court that such
case be from the law, and upon the
facts here of the United States District Court
within the United States and in any Commis-
sion to which and that the remaining facts
and questions subject in this case as entered to
this Court on the opinion certified by the Court
as the case of Lessee between the same parties
in the said Court. Whereupon it is now
ordered and decreed by this Court that it be so
certified to the said Circuit Court

Mr Justice Wayne.

The State of Maryland to the use of Thomas Evans vs The Baltimore and Ohio Rail Road Company	Verdict for the Plaintiff $1.5 paid for the Marshal of Maryland.

This cause coming on to be heard on the Motion of the Plaintiff by his Counsel and on the Motion of the Defendant by his Counsel, and was argued by Counsel on both sides. Whereupon it is ordered and adjudged by this Court that the Judgment of the said Court of Oyer & Terminer in this cause be and the same is hereby affirmed with costs

William C. Selby, William Cathcart & Nicholas Brice, partners under the firm of Selby Cathcart & Brice vs The Baltimore and Ohio Rail Road Company	This cause coming on to be heard on the Motion of the Plaintiff by his Counsel and on the Motion of the Defendant by his Counsel
William Evans, James Evans Thomas Evans Samuel Smith & William C. Evans, partners under the firm of Evans Cathcart & Co. vs The Baltimore and Ohio Rail Road Company	This cause coming on to be heard on the Motion of the Plaintiff by his Counsel and on the Motion of the Defendant by his Counsel

October Term 1845 Continued

Stoke for the Southern District of Alabama and on the Stipulation in due form by the Counsel of the parties it is ordered that a Statement of Affirmance should be entered in this cause. On consideration whereof, It is now here ordered and adjudged by this Court that the Statement of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum

Jr. Mr. Ch. Van Pelt

Selim P. Smith et al vs Clayton Offin & Selman Survey	On Appeal from the Circuit Court of the United States for the Eastern District of Louisiana

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Eastern District of Louisiana, and it appearing to this Court that the citation is not returned or dated by the day of January of this present Term. It is therefore considered and decreed by this Court that this cause be and the same is hereby dismissed with costs, and that the

Monday March 28th. Continued

case be remanded to the Circuit Court to be proceeded in according to law and justice.

Jos. McKinley

On Suit:
Writ of Error
vs
Jno. H. Mills

Mr Justice Grier delivered the following opinion of the Court.

This is a writ of error to the Supreme Court of the State of Illinois.

The suit was brought by Mills against Grier & Co. in the Circuit Court of the United States for the District of Illinois, and the writ was served by the attachment of property. Grier & Co. appeared and pleaded in abatement that they were citizens of the State of Pennsylvania and not of Illinois, and moved that the writ be quashed.

The question presented for decision is whether

[illegible]

Monday March 31 1828 Continued.

"Alexander Lamb

[illegible]

February 1849"

[illegible]

moved the Court for a rule to be shown on the part of the United States to the District of Columbia commanding them to show cause before this Court on the first Monday of December Term of the Court why a writ of mandamus should not be issued commanding the Secretary of State to cause to be issued to the above named relator a patent for the lands in the said petition mentioned, which motion was argued by [illegible] for the relator and by [illegible] for the defendant

[illegible]

[illegible]

[illegible]

Rendall Mond. Ct. 1858 continued

Sophia Smith [illegible] vs. [illegible] Jane A. Shumard et al	[illegible]

Samuel Smith [illegible] vs. Jane A. Shumard et al	[illegible]

Tuesday March 1st 1825.

Present Commissioners Court in the absence of the Chief Justice.

Present

The Hon.	The Hon.	Chief Justice
	Mr. Justice	
	James M. Hay	
	John Catron	Associate
	John McKinley	Justices.
	Philip P. Barbour	
	Thomas Ewing	

Ordered that Thomas Hunt Esqr. Marshal William Thomas Carroll Clerk

Proclamation was made by the Crier as follows.

Oyez Oyez Oyez All persons having any business before the Honorable the Supreme Court of the United States, Justices of the District of Columbia, may draw near and give their attendance, and they shall be heard. God save the United States and this Honorable Court.

Washington March 25 1833

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John McLean Associate Justice

Joseph Story
Smith Thompson
Henry Baldwin
Gabriel Duvall

Absent

Alexander Hunter Clerk Marshal
William Thomas Carroll Clerk

Proclamation being made the Court adjourned

On motion first made & this Court on this day by Mr Howell It is ordered that Isaac E Crary Esquire of the State of Michigan be admitted to practice as an Attorney and Counsellor of this Court and he accordingly was admitted

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On motion first made & this Court on this day by Mr Hall It is ordered that Charles Mynderse Esquire of the State of New York be and

motion of plaintiff's attorney and counsel of the Court and he was sworn accordingly

Samuel Lemelle &c. vs. The Municipality No. 1 of the City of New Orleans	Error to the City Court of the City of New Orleans.

This cause came on to be heard on the Transcript of the Record from the City Court of the City of New Orleans and was argued by Counsel. On consideration whereof it is now here ordered and adjudged by this Court that the same be and the same is hereby dismissed for the want of jurisdiction and that this cause be and the same is hereby remanded to the said City Court of the City of New Orleans for such further proceedings thereon to be had as may accord with right and justice and the laws of the United States

per Mr Chief Justice

The United States vs. Thomas Hodgson Benj. Morris & Wm. M. Byers	Error to the District Court of the United States for the Eastern District of Louisiana.

This cause came on to be heard on the Transcript of the Record from the District Court of the United States for the East

5733.

Wednesday March 3rd 1813 Ordered

on Certificate of Division and argument by Counsel. On consideration whereof, It is ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this Court and to the law and practice of the Court.

per Mr Chief Justice Marshall

The United States appellants vs William Marsin	On appeal from the Judgment of the Circuit Court for the District of East Florida

This cause came on to be heard on the Transcript of the Record from the Judgment of the Circuit Court for the District of East Florida and was argued by Counsel On consideration whereof, It is ordered and decreed by this Court that the decree of the said Judgment Court in this cause be and the same is hereby remanded to the said Judgment Court with direction to that Court to dismiss the petition of the appellants

per Mr Chief Justice

William C. C. Claiborne vs William M. Lewis late Marshal of the Southern District of Mississippi	Error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel — On consideration whereof, It is now ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and it is further ordered that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to the opinion of this Court and it is further ordered that the plaintiff in error

pay to the defendant in error

Robert Brockett et al. Appellants vs William Brockett, Executor of Elizabeth Brockett	On appeal from the Court of the United States for the District of Columbia holden in and for the County of Alexandria

This cause came on to be heard on the Transcript of the Record

Jurisdiction of this Court &c. No Statement

from the Circuit Court of the United States for the District of Columbia holden in and for the County of Alexandria and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Jas. Mc. Kenzie Clerk

Charles H. Carroll Complt

vs

Oran Rafford, Sheriff of the County of Genesee in the State of Michigan

Certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Michigan

141

This cause came on to be heard on the Transcript of the Record from the Circuit Court of the United States for the District of Michigan and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the Act of Congress in such case made and provided and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the Statutes of the State of Michigan

did in fact exchange the said Land as stated in the said petition and that the said Exchange was made and executed by the Officers of the United States.

And that there is no question now before the said Court touching the said Exchange but that the same was made and executed by the Officers of the United States.

And that the said Court did decree that the said Petitioners do have and recover of the said Defendants the said Land in the said Petition described and that the said Defendants do pay to the said Petitioners the costs of this suit.

And it appearing to the Court that the said Defendants have appealed from the said decree to the Supreme Court of the United States and that the said Appeal has been allowed by the Court.

It is therefore now here ordered and adjudged by this Court that the said Appeal be and the same is hereby allowed.

45.	State of Michigan Circuit Court for the County of Wayne In Chancery. Samuel A. Merrill et al vs. Elijah Halsted et al

On consideration of the motion made in this cause on behalf of the Complainants by Mr. Henderson

Wednesday March 5th 1845 Continued

of Counsel for the defendants in Error, and of the record filed in Said Cause, It is ordered by the Court that this Court be and is hereby dismissed.

Samuel Smyth Plff in Er.
vs
Daniel S. Hinds et al

Writ of Error to the Court of Common Pleas of Jefferson County

Samuel Sloan Plff in Er.
vs
Daniel Hinds et al

Writ of Error to the Court of Common Pleas of Jefferson County

Wednesday March 3rd 1819. Continued

Wednesday March 28th Continued

Order of Court.

Wednesday March 5th 1845 Continued

Assembly and Senate Bills

Bill "Relative to the Courts of the United States" was read a third time and passed.

Bill "Relative to Common Carriers" was read a third time and passed.

Bill "Relative to Common Carriers" was read a third time and passed.

Bill "Relative to Common Carriers" was read a third time and passed.

Bill "Relative to Common Carriers" was read a third time and passed.

Bill "Relative to Common Carriers" was read a third time and passed.

Wednesday March 5th 1845. Continued

Wednesday March 5th 1845 Continued

[illegible]

2. Resolved that the Secretary of the Board of Trustees be instructed to procure a Book for the purpose of recording the Minutes of the Proceedings of the Board of Trustees.

3. Resolved that the Secretary of the Board of Trustees be instructed to procure a Book for the purpose of recording the Minutes of the Proceedings of the Board of Trustees.

4. Resolved that the Secretary of the Board of Trustees be instructed to procure a Book for the purpose of recording the Minutes of the Proceedings of the Board of Trustees.

5. Resolved that the Secretary of the Board of Trustees be instructed to procure a Book for the purpose of recording the Minutes of the Proceedings of the Board of Trustees.

6. Resolved that the Secretary of the Board of Trustees be instructed to procure a Book for the purpose of recording the Minutes of the Proceedings of the Board of Trustees.

Master & owners to be liable to pay the same
&c.

17. Pro all such account the ship or goods proceeded
upon or any recovery or proceeds thereof
or any part of the same for which such an
account shall be made shall be subject
to the same lien for the amount
to the Master and owners of private vessels
as shall any ground of action against
the same shall or may exist against
the same

18. Pro all such actions shall be commenced within
twelve months after the cause of action shall
arise & not afterwards against the
property impleaded or the proceeds of the property
or in case the same shall have been sold
by the Master and owners or by the Marshal
then against the Master and owners
and the Marshal respectively & not afterwards
and in case any judgment shall be recovered
against the Master and owners or the Marshal
for the value of the property sold
no execution shall issue against the property
sold

19. Pro all suits for seamen's wages shall be in
the name of the party himself or his proctor

thereof, or in favour against the party at whose request such process issued, the defendant shall be discharged.

VI. And all persons who shall have given bail or become sureties in any action or suit commenced in the manner aforesaid in the Court of Chancery, shall be liable to the condition of their bail bond or recognizance, in the same manner as bail or sureties in any action or suit commenced by bill of Middlesex or latitat, and the bail bond or recognizance may be prosecuted in the name of the Clerk of the Crown in the Court of Chancery, and the bail or sureties may render the principal in the same manner, and the same proceedings may be had thereon, as bail or sureties in actions or suits commenced by bill of Middlesex or latitat, and the bail bond or recognizance shall be delivered to the defendant, or left with

notice to all persons concerned to exhibit their claims at the time of the hearing of the petition should not be decreed.

2d. All bills in Chancery or other civil causes, shall state the nature of the cause, as far as may be, that it is a cause civil and maritime, of contract or tort or damage, or of prize, or of possession, or otherwise, as the case may be, and if the bill be in rem that the property is within the District; and if in personam the names and residences and citizenship of the parties. The bill shall also positively and particularly, in distinct articles, state all the facts and circumstances of the cause which the complainant is required to answer distinctly and specifically upon the oath contained in such bill; and it shall conclude with a prayer of the process to enforce the rights in rem, or in personam (as the case may require), and for such relief and costs as the Court is competent to give in the premises. And the bill shall not pray for the issuing the Writ of attachment in rem in cases of contract, but be accompanied by sworn stipulations with sureties for the amount of the claim, to abide the decree of the Court, and to pay the same to the Marshal, if the claim be sustained by the decree of the Court, or by the final decree on appeal.

to the like act to close as such case may require.

24. To all Explanations and Bills in nature of Bills of Review to vary matters previously concluded in matters of form may be made at any time on motion of the Court as of course. And new Evidence may be given and Amendments in matters of substance may be made upon motion at any time before the final decree upon such terms as the Court shall impose. And where any defect of form shall occur to the Defendant upon Special Exceptions and motion the Court may on motion have it amended upon such terms upon the Petitioner.

25 To all cases of Bills of Review the Court may on its discretion upon the Affidavit of the Defendant, where no Evil has been had in the case allow of the Bill of Review to be entered upon the Record of the Court, and the Defendant have a Subpoena issued thereupon to appear and answer the same at the Court in Bill of Review, to pay all Costs and expenses which shall be awarded against him in the suit upon the final determination thereof to any such Bill of Review as on the footing of the suit.

Wednesday March 3d 1778 Continued

Or in case in the first claim the Party shall prefer his claim on oath or Affirmation before that the Claimant by action or in lieu of half the claim is made, if the two are Joint owners, and that no other person is in any Degree Interested in the Claim he shall also make oath, that he is duly authorized thereto by the owner of the part of the Vessel that is at the time of the arrest in the power of the Vessel that is at the Court for the owner. And upon perfecting the Claimant shall file a Stipulation in such sum as the Court shall direct for the payment of all such costs expences and damages as shall be awarded against him by the final decree of the Court, or upon an Appeal by the Appellate Court.

Or In all Libels or causes of civil or maritime jurisdiction, whether in rem or in personam the answer of the Defendant shall be on oath or affirmation, and he shall put in his answer within ten days after the Libel, or the same order or monition on the Libel, and shall also answer in like manner

were to be paid at the time of the sale

22. And it is ordered that the Marshall or Sheriff or Coroner who shall make any sale of Real Estate by virtue of this Act shall within ten days after such sale make a report thereof to the Court and shall annex to such report the Bill of Sale executed by him to the purchaser or purchasers of the property sold by him and the Court shall confirm such sale unless sufficient cause to the contrary be shown to the Court and may direct a Deed to be executed by the Marshall Sheriff or Coroner making such sale to the purchaser or purchasers of the property sold by him and the Court may direct the Marshall Sheriff or Coroner to execute a Deed to the purchaser or purchasers of any property sold by him under the authority of this Act and may enforce the execution of such Deed by attachment and may direct the Marshall Sheriff or Coroner to give the proceeds of such sale to the person entitled thereto and may enforce such direction by attachment

23. And be it enacted that if any Defendant or Defendants in any suit or action in Equity shall be arrested by virtue of any process issued out of the Court in such suit or action and shall give bail for his appearance to answer the complaint of the Plaintiff or Complainant in such suit or action and shall not put in his answer to the complaint of the Plaintiff or Complainant within the time prescribed by the rules of the Court in that behalf

31. In all cases, where the Defendant answers but does not answer fully, any objection to any defect in the matters in any article of the Libel, and exception is taken thereto by the Libellant and the Exception allowed, the Court may by attachment compel the Defendant to make further answer thereto, or may direct the matter of the exception to be tried by the Jury against the Defendant & the final judgment and effect of the article to which the Exception is taken and as if no answer had been given in thereto.

32. The Defendant may object by his answer to answer any article or interrogatory contained in the Libel which will expose him to any penalty or punishment for a crime or misdemeanor or to any infamy & the Court shall allow the same

33. The Defendant shall have a right to examine the personal Answer of the Libellant upon such interrogatories as may be filed in the cause by the Libellant, touching any matter charged in this Libel to be true and matter of defence set up in the answer subject to the like exception as to matters and

Wednesday March 1st 1815. Continued

admitted by the Court the other party a further or
time may be named by one of the Court's masters
or some other person appointed shall be final
and decree rendered by the Court thereon as to
and either shall obtain his costs and take
same shall be required when filing the order
give a stipulation with sureties to abide by the
decree entered in the cause, and to pay all costs
and expenses and damages as shall be awarded by
the Court upon the final decree whether it
decree in the original or appellate Court.

55. Substituted or Scire facias and Revivor shall
may be taken in the Court in the Judge's Chambers
or Chambers, or may be made by any Commissioner
of the Court who is a Counselor Commissioner of the
Court and is not by law entitled to be appointed
of Counsel nor in any manner interested
ing in the Courts of the United States

56. Exceptions may be taken to any Master's Report
or costs for Impertinence and scandal, or
or Counsel may upon argument to confirm the
decree shall be referred to the Clerk who shall
allowed by the Court the matter shall be stricken

[illegible]

3d The mode of proceeding in Attachment. The garnishee shall be summoned to appear on a day certain, not less than [illegible] days from the date of the service of the summons, and the effects of the Defendant in his hands, may be bound into custody to abide the decree of the Court to be pronounced by the Libellants; and if he shall refuse or neglect so to do the Court may award against him a process of Sequestration [illegible] and the effects of the Defendant in his hands shall be held in the same manner as in cases of Libels.

4th The mode of proceeding in Attachment of Moneys, or Salary and wages in the hands of Masters of Vessels, or Freight, or other moneys in the hands of Consignees or other persons by the Suit, which are in the hands or possession of any person by whom any process of Attachment by Libel of the goods of the Defendant may be served, shall be the same as in cases of Libels, and the Court may order the same to be brought into Court, or may order the same to be paid into Court, or may order the same to be brought into Court, or may order the same to be paid into Court, and upon failure

Wednesday March 3d 1813. Continued

by the party to whom the order may direct an attachment to issue against such defendant to compel him to appear and answer the complainant's bill of discovery touching the premises.

SC. And be it enacted that the defendant shall not after service of the said process as aforesaid be at liberty to depart the court, but shall be deemed in default & contumacy; and the Court may upon the application of the complainant proceed to the hearing of the cause, and the same may be decreed pro confesso.

SC. The Court may in its discretion upon the motion of the defendant and the payment of such costs as the court may direct in any suit in which an account of the partnership may be prayed the master of the Court shall have the power equal to that now vested in masters in chancery, at any time within ten days after the cause shall have been ordered, the defendant shall have to file further answer and plead in the cause as the Court may direct.

SC. All sales of property by virtue of any execution or decree which shall be issued by the Marshal or his Deputy or other proper officer ordained by the

Court, or the Master as a part of the duties of his office, by the order of the Court, and the fees of the Clerk shall be taxed by the Court, and the Master by the Court according to law.

12. All money paid into the Treasury of the Court shall be deposited in some Bank designated by the Court, and shall be deposited in the name of the Court, and shall not be drawn out except by a check or checks signed by a Judge of the Court and countersigned by the Clerk stating on whose account and for what purpose it is drawn and in what suit and out of what fund or fund it is placed. The Clerk shall keep a regular book containing a [illegible] of all the checks drawn and the date thereof.

13. Any person having an order or decree in his favor in the Treasury of the Court shall have assigned by the Clerk a certificate stating the amount to his credit, and a copy thereof shall be entered by the Clerk in a book to be kept for that purpose, and the Court shall not pay any money out of the Treasury to any person except on the production of such certificate, and the Court shall not pay any money out of the Treasury except on the order or decree of the Court

Wednesday March 3rd 1819. Continued

[illegible] as the said Commissioners shall deem most expedient for the due administration of Justice in Suits in Admiralty

And be it further enacted that the said Rules shall be in force in all the Circuit and District Courts of the United States from and after the first day of [illegible]

And be it further enacted that the Justices of the Supreme Court may alter and from time to time add to the said Rules for the regulation and government of the Practice of the Circuit Courts and District Courts of the United States in Suits in Admiralty on the Admiralty Side of the Courts. And that the Rules of the Supreme Court now in force to be published in the next volume of their Reports and that the same shall be published at the end of each volume of their Reports to be published thereafter and that the Rules of the Supreme Court and such additional Rules thereof to be published as aforesaid shall be printed on every Libel and Monition of the Circuit and District Courts in the respective Districts and Circuits

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Proclamation was made that the House would sit again at this time and place appointed by law

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At the Capitol of the United States in the City of Washington and District of Columbia being the present Seat of the National Government of the United States on the first Monday of December, being the first day of the same month, in the year of our Lord one thousand eight hundred and forty five and of the Independence of the United States the seventieth, the Supreme Court of the United States met agreeably to law.

Present

The Honorable — Chief Justice

John McLean — Associate Justices.
James M. Wayne
John Catron

Alexander Hunter Esquire Marshall
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

There not being a sufficient number of Justices present to constitute a quorum, —

Proclamation being made the Court is adjourned until tomorrow at 12 O'clock. —

Tuesday December 2d 1845.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable Roger B. Taney Chief Justice.

The Hon'ble
- John McLean
- James M. Wayne — Associate
- John Catron — Justices
- Samuel Nelson
- Levi Woodbury

Alexander Hunter Esquire Marshal.

William Thomas Carroll, Clerk.

Proclamation being made the court is opened.

On motion first made to the court in that behalf by Mr Attorney General. It is ordered that James Shields Esquire of the District of Columbia Fred. P. Stanton Esquire of the State of Tennessee be admitted to practice as Attorneys and counsellors of this court, and they were severally sworn accordingly.

On motion first made to the Court in this behalf by Mr Wallis Hall. It is ordered that I Van Buren Esquire of the State of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Albert L. Blodget Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

The Chief Justice announced to the Bar that the Court would commence the call of the docket tomorrow under the 36th rule.—

The Honorable Levi Woodbury. produced Letters Patent from the President of the United States dated the twentieth day of September in the year of our Lord one thousand eight hundred and forty five and of the Independence of the United States of America the seventieth, appointing him an associate Justice of the

Tuesday December 2nd 1845 Continued.

Supreme Court of the United States in the following words, to wit:-

"James K Polk, President of the United States of America

To all who shall see these presents Greeting:

Know ye that reposing special trust and confidence in the wisdom, uprightness and learning of Levi Woodbury, of New Hampshire, I do appoint him one of the Associate Justices of the Supreme Court of the United States, and do authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States, and to have and to hold the said office, with all the powers, privileges and emoluments thereunto of right appertaining, unto him, the said Levi Woodbury, until the end of the next session of the Senate of the United States and no longer.

In Testimony whereof, I have caused these letters to be made patent and the Seal of the United States to be hereunto affixed.

Given under (my) hand at the City of Washington the twentieth day of September in the year of our Lord one thousand eight hundred and forty five, and of the Independence

of the United States of America the Seventieth.

James K. Polk

By the President

James Buchanan

Secretary of State."

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday December 3d 1845

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B Taney	Chief Justice
	John McLean	
The Hon[ble]	James M Wayne	Associate
	John Catron	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Mr Key it is ordered that Wm C Chalmers Esquire of Mississippi, and Ira Grant Esquire of Iowa, be admitted to practice as attorneys and counsellors of this court and they were severally sworn accordingly.

On motion first made to the court in this behalf by Mr Ogden it is ordered that Martin R Zabriskie Esquire of New York be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly.

Wednesday December 3d 1845. Continued.

1.	William C Cook Jeffries vs John L Moffat Dec	This cause having been called for argument and no counsel appearing to proceed with the same it is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 38th rule of Court.
3.	Sugdam & Boyd Jeffs vs Ephraim G Peyton	This cause having been called for argument and no counsel appearing to proceed with the same. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 38th rule.
4.	William M Gwin Jeffries vs Buchanan, Hagan & Co use &c	This cause having been called for argument and no counsel appearing to proceed with the same. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 38th rule.

Wednesday December 3d 1845. Continued.

Isaac Cooper. Plff in Er. 5. vs John Matheys.	This cause having been called for argument and no counsel appearing to prosecute the same. It is thereupon now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule.

James Brown Plff in Er 6. vs John Clarke.	The argument of this cause was commenced by Mr Revercy Johnson for the plaintiff in Error, continued by Mr Mason for the defendant in Error and concluded by Mr Chalmers for the plaintiff in Error.

Michael Musson Val. Lang Saubrus &c. Plff 7. vs William A. Lake	This cause was submitted to the Court on the record and printed arguments by Mr Barton for the Plaintiff and Mr Walker for the Defendant

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Thursday December 1st 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M Wayne	Associate
The Hon'ble	John Catron	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter, Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Attorney General - It is ordered that Wm F. Giles Esquire of Maryland Sal. D. Westcott Junr, & E. C. Cabell Esquires of Florida and John A. Rockwell Esquire of Connecticut be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly. -

Thursday December 4th 1845 Continued.

On motion first made to the court in this behalf by Mr Ogden. It is ordered that Gaspard Tochman Esquire of New York be admitted & practice as an Attorney and counsellor of this court and he was sworn accordingly.—

William M Gwin Pltff in Er vs Buchanan, Hagan & Co - Defts	This cause was argued by Mr Mason of counsel for the Plaintiff in Error. —
Rowan & Harris - Pltffs in Er vs Hiram G. Runnels —	This cause having been called for argument and no counsel appearing ready to proceed therewith. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of court —
Rowan & Harris. Pltffs in Er vs Hiram G. Runnels —	This cause having been called for argument and no counsel appearing ready to proceed therewith. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of court.—

10.	James Norris Plff in Er vs The City of Boston	This cause having been called for argument and no counsel appearing ready to proceed therewith. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of Court.
12.	James Phalen Plff in Er vs The Commth of Virginia	This cause having been called for argument and no counsel appearing ready to proceed thereinto. It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of Court.
13.	Tanbigby Rail Road Comp Plff in Er vs William H. Keeland	This cause was submitted to the court on the record and printed argument by Mr Mason of counsel for the Plaintiff in Error.

Thursday December 1st 1845. Continued.

14.	James Wood pff in Er vs William A. Underhill def	This cause having been called for argument and no counsel appearing ready to proceed therewith - It is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of court. -
15.	Henry Matthewson - appt vs William W. Wilmer & wife	Mr Greene of counsel for the appellant moved the court for time to the Masters to whom the report had been referred back to correct & file their report on consideration whereof. It is now here ordered by the court that this cause be passed over for the present and until the further order of this court. -
16.	James Payne adl. - pff in Er vs Sanders Neely	This cause was submitted to the court on the record by Mr Mason of counsel for the defendant in Error, who asked for ten per cent damages under the 17 rule of court. -

Thomas Maury &c Pltff in Er
vs
Thomas L. Porter

Mr Mason of counsel for the defendant in Error having filed an authenticated copy of the Letters of administration granted to Arby P. Porter on the estate of Thomas L Porter deceased, and the appearance of the said administrator now here moved the court that said administrator be admitted a party to this suit. On consideration whereof. It is now here ordered by the court that Arby P Porter administrator of Thomas L Porter deceased, be and he is hereby made defendant in Error in this case.

At the opening of the court this morning Mr Mason the Attorney General of the United States addressed the court as follows.—

"May it please your Honors.

Since your last Term, the Senior Associate Justice of this court has departed this life. At a meeting of the members of the Bar and Officers of the court held on yesterday, resolutions were adopted expressive of their veneration for the memory of the deceased, and of their sense of the loss which has been sustained by the court,

Thursday December 4th 1845. Continued.

the profession and the country they have done me the honor to impose on me the melancholy task of communicating their proceedings to the Bench

I am but too sensible of the various Lapses under which I labor, in acquitting myself in the presence of the duty thus confided to me. I had not the advantage of any intimate personal acquaintance with Mr Justice Story. But he was known to me, as to every lover of an enlightened jurisprudence, and to every admirer of learning and purity in our Magistracy, through the fame which he had honorably won and the light which he had shed on all the various subjects of professional learning, in his opinions delivered from the Bench, and works which he published to the world.

At the early age of thirty two years he was appointed an associate Justice of this court. In thirty four years of service in this high office, he acquitted himself of all his responsible duties, with a dignity, integrity and learning, which proved him worthy of this exalted National Tribunal.

He gave to the profession, an example of successful industry, above all price. It is wonderful, that he should have accomplished so much. unfailing in his attendance here, participating largely

in all the learned labours which have so appropriately, in the court constant in the exercise of his professional duties in one of the most important circuits in the Union, he found time to instruct, as a professor, large classes for many successive years, and to prepare and publish a greater number of learned legal works than any other author. Yet in the midst of the severe and incessant labours, which could alone produce such results, he was devoted to the enchanting delights of elegant literature, and was distinguished for his happy and cheerful domestic life, and his spirited social intercourse.—

The learning which he displayed as a jurist and author, extended his fame to every country where an enlightened jurisprudence prevails, and the amiable and christian character of the man, has filled a whole community with grief at his death.

But your Honors with whom he associated for a period so far beyond what falls to the lot of most of those who reach the elevated distinction, can best appreciate his character as a Judge, and his virtues as a man, and will confirm the testimony of the gentlemen, whose proceedings I now have the honor to present.

Thursday December 4th 1845 Continued

At a meeting of the members of the Bar and officers of the Supreme Court of the United States at the Court room in the Capitol, on the 3d day of December A.D. 1845. Lucius B Ogden Esquire was appointed Chairman and the Hon. George M. Bibb Secretary.

The Hon John Davis the Hon George Evans and the Hon. R. C. Winthrop were appointed a committee to prepare resolutions expressive of the sentiments and feelings of the meeting on the melancholy event of the recent death of the Honorable Joseph Story one of the Associate Justices of the Supreme Court of the United States.

Whereupon Mr Davis in behalf of the committee so appointed, presented the following preamble and resolutions which were unanimously adopted by the meeting

Since the last annual session of the Supreme Court of the United States one of its most distinguished members has fallen a victim to the lot of humanity. The earthly career of that able and faithful Judge Joseph Story of Massachusetts has terminated, and we trust that his equitable virtues will secure rest to his Spirit among those who are made perfect.

The Bar has been deprived of one of its brightest

ornaments and the Bench of one of its most learned and illustrious members. Those who have long witnessed the pure example, and venerated the talents, learning and untiring zeal of the deceased, cannot permit an event so solemn and afflictive to pass unnoticed. Few men of any age or country have left behind them strong proof of great and successful labors in legal research or higher claims to public respect and gratitude. He explored with extraordinary powers of analysis the learning of the past, embodying and systematizing those great & principles of jurisprudence which illumine his decisions as a Judge and give imperishable value to his works as an author.

As a magistrate he aimed to maintain and respect for the Bench by the purity of his example and to inspire confidence in its decisions by a prompt, just enlightened and faithful administration of the laws.

Tho' the most of the urgent duties of this high and responsible station which was sufficient to task a more than ordinary mind, he found leisure to indulge his love of legal study and produced a series of works which have taken rank among standard authorities and will carry his fame to posterity as a jurist of great accomplishments...

Thursday December 4th 1845 Continued.

His decisions on the Bench as well as the proceedings of his pen prove alike the earnest zeal with which his mental energies were applied to sustain the Constitution and laws of the republic - and the conscientious seclusion with which he discharged the great and complicated duties which devolved upon him. -

While we feel just pride in the attainments of one so distinguished, as a public officer, and as an author, we cannot forget those estimable social qualities, and that amiable deportment in private life, which endeared him to his friends and acquaintance. If in his high public station he commanded the esteem and confidence of the public. in the ordinary duties of life he won and retained the respect and love of all, who were connected with him in the various relations in which he stood to the Community. -

When so pure and so illustrious a man descends to the tomb while his usefulness is unimpaired, and his work unfinished, the calamity is the more severely felt, and the occasion is a fit one for his bereaved friends and the public to give utterance to their grief and to testify their veneration and respect for the memory of the deceased, -

Therefore Resolved

1. That we hold in the highest estimation the learning, the integrity, the distinguished services and the exalted virtues of the late Joseph Story and deeply deplore the loss which the Bench and the Country have sustained by the death of one so eminently qualified for the high station which he filled.—

2. That we sympathise with his bereaved family in their affliction, who mourn the loss of an affectionate husband a kind parent and a good citizen.—

3. That from the respect to the memory of him who has filled so long a space in the affairs of the Country we will during the present Session of the Court wear the usual badge of mourning.

4. That these resolutions be communicated to the Court by the Attorney General with a request that they may be entered upon the records and further that they be communicated to the family of the deceased by the Chairman of this meeting.

David B. Ogden Chairman—
George M. Bibb Secretary—

To which Mr. Chief Justice Taney replied

It is difficult for me to express

Thursday December 4th 1845 Continued.

how deeply the Court feel the loss of Mr Justice Story. He held a seat on this bench for so many years, and was so eminently distinguished for his great learning and ability, that his name had become habitually associated with the Supreme Court, not only in the mind of those more immediately connected with the administration of justice, but in that of the public generally throughout the Union. He had indeed, all the qualities of a great Judge, and we are fully sensible that his labors and his name have contributed largely to inspire confidence in the opinions of this Court, and to give weight and authority to its decisions.

It is not however in this Country only that the name of Justice Story is respected and honored. His works upon various branches of jurisprudence have made him known as eminent, wherever judicial knowledge is esteemed and cultivated; and wherever this is known his opinions are quoted with respect, and he is justly regarded as one of the brightest ornaments of the age in which he lived. But it is here on this Bench that his real worth was best understood; and it is here that his loss is most severely and painfully felt. For we have not only known him as a learned and able

associate in the labors of the court, but he was also endeared to us as a man by his kindness of heart, his frankness and his high and pure integrity - We most truly and deeply deplore his death, and cordially unite with the Bar in paying appropriate honors to his memory.

The proceedings of today will therefore be entered on the records of the court as lasting testimony of our respectful and affectionate remembrance of our departed Brother.

Proclamation being made the court was journed until tomorrow morning at eleven o'clock.

Friday December 8th 1843

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
the Justices	John Catron	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal

William Thomas Carroll, Clerk.

Proclamation being made the court is opened.

On motion first made to the court on this day by Mr Coe. It is ordered that Gray M. Brent Esquire of Virginia be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

James Payne, Filmer W Green and Abner E Green pltffs in Er	In Error to the Circuit Court of the United States for the Southern District of Mississippi
16. v	
Sanders Nely	The pltffs in Error having been three times

Friday December 5th 1845. Continued.

County called by the Marshal to come into court and prosecute this writ of Error and failing to appear. It is thereupon now here considered and adjudged by this court that this writ of Error to the Circuit Court of the United States for the Southern District of Mississippi be and the same is hereby dismissed with costs.

Ch. Jus. of the Supreme Court.

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18. John M. Bass vs. Joseph Hollingsworth & Mayor of Nashville vs. —

This cause having been called for argument and no counsel appearing ready to proceed thereon It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of this Court.

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19. John Glover vs. Joseph Hollingsworth & Co. vs. William Mitchell. —

This cause having been called for argument and no counsel appearing ready to proceed therewith. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of Court

Friday December 5th 1845. Continued

	M'Kean Buchanan (U.S.)	This cause was argued by
21.	vs.	Mr Attorney General of Counsel
	James Alexander	for the Plaintiff in Error.

	M'Kean Buchanan (U.S.)	This cause was argued by
22.	vs.	Mr Attorney General of Counsel
	James Alexander	for the Plaintiff in Error.

	M'Kean Buchanan (U.S.)	This cause was argued by
23.	vs.	Mr Attorney General of Counsel
	James Alexander	for the Plaintiff in Error.

	M'Kean Buchanan (U.S.)	This cause was argued by
24.	vs.	Mr Attorney General of Counsel
	James Alexander	for the Plaintiff in Error.

	M'Kean Buchanan (U.S.)	This cause was argued by
25.	vs.	Mr Attorney General of Counsel
	James Alexander	for the Plaintiff in Error.

	M'Kean Buchanan (U.S.)	This cause was argued by
26.	vs.	Mr Attorney General of Counsel
	Mary Ann Anderson	for the Plaintiff in Error.

Friday December 5th 1845 Continued.

Hugh A. Garland Appellee
vs
Geny M. Davis —

This cause was argued by Mr Lyon for the defendant in Error and submitted on a printed brief by Mr R. L. Brent for the plaintiff in error.

Proclamation being made the court is adjourned until Monday morning at eleven o'clock.

Monday December 8th 1845.

Pursuant to adjournment the court met this morning at the Capitol

Present.

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne	Associate
The Hon'ble	John Catron	Justices
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal.

William Thomas Carroll, Clerk.

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr. Love. It is ordered that Worthington G. Snethen Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the court on the behalf of Mr Attorney General It is ordered that William H. Brockenbrough Esquire of Florida be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thomas Maury &al. Plff in Er.	The argument of this
27.	cause was commenced
vs	by Mr Brinly for the
Ashby D. Porter admr of	plaintiffs in Error, con-
Thomas S. Porter, decd.	tinued by Mr Mason

for the defendant in Error and concluded by Mr Brinly for the plaintiffs in Error.—

Daniel Garrard Plff in Er.	This cause was argued
33.	by Mr Crittenden for
vs	the plaintiff in Error
Lessee of Henry Reynolds &al	and submitted on a

printed argument by Gen. Hartshead of Counsel for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday December 9th 1845.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney,	Chief Justice
	John McLean	
	James M. Wayne	
The Honble,	John Catron	Associate
	John McKinley	Justices.
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire, Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that Peter A. Browne Esquire of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

William M. Irwin, Marshal &c	In Error to the Circuit
4. vs	Court of the United States
Joffin &c.	for the Southern District
Buchanan Hagan Use for the	of Mississippi.
use of William Holliday &c	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel On Consideration whereof. It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court -

Jr. M. Ch: Jus. Taney. -

The Tombigby Rail Road	In Error to the District
Company Jeffers.	Court of the United States
13 vs	for the Middle District
William H. Kueland	of Alabama. -

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Middle

Tuesday December 9th 1845. Continued.

District of Alabama and was argued by Counsel On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this Cause be and the same is hereby reversed with Costs, and that this Cause be and the same is hereby remanded to the said District Court for further proceedings to be had therein according to law and justice and in conformity to the opinion of this Court.

Pr. Mr. Ch. Jus. Taney.—

John C. Sheppard, Pierre Chouteau jr. John B. Sarpy, John F. H. Sanford & Jno. P. Cabanne, F. A. Sire, Henry Sibley, Hercules Dousman, Wm. Kempsland, Edward Bebb & Wm. Cupp.

vs.

John Wilson.

In Error to the Supreme Court of the Territory of Iowa.

1412.

Mr. Grant of Counsel for the defendant in Error, having filed a transcript of the record of this Case duly authenticated, moved the Court to dismiss the writ of Error in this cause, because no transcript thereof has been filed in this Court by the Plaintiffs in Error as required by the rules of this Court. On Consideration Whereof, and it appearing to the Court that the Plaintiffs in Error have altogether failed to prosecute this writ

of Error under the 43d rule of this Court. It is therefore now here ordered and adjudged by this Court that the writ of Error to the Supreme Court of the Territory of Iowa be and the same is hereby dismissed with costs under the 43d rule of this Court.

Per Mr Ch Justice Taney.

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31. Alexander Dow. appt
vs
John Thompson val

This cause was submitted to the Consideration of the Court on the record and printed arguments by Mr Washington Hunt for the appellant and by Mr C. C. Cox for the appellees.

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34. N. & A. Dick &c. Plffs
vs
Harden S. Runnels

Mr Mason of Counsel for the defendant suggested the death of Harden S. Runnels the defendant since the last Continuance of this cause Whereupon it is now here ordered by this Court that this cause be and the same is hereby continued to the next term of this Court.

Tuesday 4 December 9th 1843 Continued.

35 Gerard C Brandon pltff in Error
vs
Rufus W. Loftus et al

On motion of Mr Brent of counsel for the defendant in Error and with the assent of Mr Mason of counsel for the plaintiffs in Error. It is now here ordered by the court that the following certificate of the Clerk of the Circuit Court of the United States for the Southern District of Mississippi be filed in this case and be ordered of record - which certificate is in the words and figures following, to wit:—

"United States of America
Southern District of Mississippi } Circuit Court U. S. —
Loftus & Whitehead } Judgment for the Plaintiff for
vs } $2,95[illegible] Damages & Costs rendered in the
Gerard C. Brandon } 8th day of June A.D. 1842.

I William H Brown, Clerk of said Circuit Court do hereby certify that the foregoing is a true abstract of the judgment rendered in the above stated case, and I do further certify that at the November Term A.D. 1842 of said Court a writ of Error to operate as a Supersedeas was sued out by the defendant Gerard C. Brandon and allowed.—

In Testimony whereof I have hereunto set my hand and affixed the seal of said Court at Jackson this 31st day of October A.D. 1842.

W. H. Brown Clk"

Gerard C. Bronson pltff in Error vs Rufus W. Peckham et al —	The argument of this cause was commenced by Mr Mason for the pltff in error, continued by Mr Brent for the defendant in error and concluded by Mr Mason for the pltff in error.

James Thompson pltff in Error vs The West Chester Rail Road Company.	Mr S. H. Fuguett of counsel for the pltff in error suggests a diminution of the record in this, that a material part of the direction to the jury, of the court as excepted to by the pltff and so certified by the Judge of the Circuit Court and that by clerical error the Bill of Exceptions is imperfect, and thereupon moved the Court for a certiorari to bring up the part of the record so erroneously omitted.

Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises doth time to consider.

Tuesday 4 December 1845 Continued

37.	Christopher Ford appt vs Archibald Longhurst	On motion of Mr Musgrave of counsel for the appellant and with the assent of Mr Merrick of counsel for the opposition It is now here ordered by the court that this cause be and the same is hereby postponed.
39.	George Smith - Plff in Er vs William Turner Gould Comm dc	The argument of this cause was commenced by Mr Ogden for the Plaintiff in Error.

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock.

Wednesday December 10th 1845.

Pursuant to adjournment the court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
The Honble	John Catron	Associate
	John McKinley	Justices.
	Samuel Nelson	
	Levi Woodbury	

Alexander Hamilton Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the court is opened.

On motion first made to the court in this behalf by the Attorney General it is ordered that Stephen Adams Esquire of Mississippi and I. E. Holmes Esquire of South Carolina be admitted to practice as Attorneys and Counsellors of this court and they were severally sworn accordingly.

Wednesday December 11th 1844 Continued

On motion first made to the Court in this behalf by Mr Van Buren. It is ordered that Bushrod R Wood Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr Ogden. It is ordered that Robert C. Schenck Esquire of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

21. M'Kean Buchanan Plff in Error — vs — James Alexander — Defendant in Error — To Error to the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia and was argued by Counsel — On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Superior Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said

to the said Circuit Superior Court with instructions to dismiss the attachment at the costs of the appellee in that Court.

Pr. Mr. Tucker. Mr. Leigh.

Wilson Buchanan Appellant	An Error to the Circuit
vs	Superior Court of Law and
James Alexander	Chancery for the County of
	Norfolk in the State of Virginia

This cause came on to be heard on the transcript of the record from the Circuit Superior Court of Law and Chancery for the County of Norfolk, in the State of Virginia, and was argued by Counsel On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Superior Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Superior Court with instructions to dismiss the attachment at the costs of the appellee in that Court.

Pr. Mr. Tucker. Mr. Leigh.

Wednesday December 10th 1845. Continued

M'Kean Buchanan & Offr &c.	In Error to the Circuit
23. vs	Superior Court of Law and
James Alexander	Chancery for the County of
	Norfolk State of Virginia.

This cause came on to be heard on the Transcript of the record from the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia, and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Superior Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Superior Court with instructions to dismiss the attachment at the costs of the defendant in that Court. Fr. N. Rec. Ms. Lem.

M'Kean Buchanan & Offr &c.	In Error to the Circuit Superior
24. vs	Court of Law and Chancery
James Alexander	for the County of Norfolk, in
	the State of Virginia.

This cause came on to be heard on the Transcript of the record from the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia and was argued by Counsel. On Consideration

Wednesday December 11th 1844. Continued.

whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Superior Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Superior Court with instructions to dismiss the attachment at the costs of the appellee in that Court. — Pr. Mr. Jus: McLean.—

McKean Buchanan, Jeffress & Co.		the same to the Circuit
25.	v.	Superior Court of Law and
James Alexander		Chancery for the County of
		Norfolk in the State of Virginia

This cause came on to be heard on the transcript of the record from the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Superior Court in this cause be and the same is hereby reversed with C. & C. and that this cause be and the same is hereby remanded to the said Circuit Superior Court with instructions to dismiss the attachment at the costs of the appellee in that Court. — Pr. Mr. Jus: McLean.—

Wednesday December 10th 1845. Continued.

25.	Mckeen Buchanan Plff in Error vs Mary Ann Anderson	On Error to the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia.

This cause came on to be heard on the transcript of the record from the Circuit Superior Court of Law and Chancery for the County of Norfolk in the State of Virginia and was argued by Counsel - on consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Superior Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Superior Court with instructions to dismiss the attachment at the costs of the appellee in that Court.

Pr. Mr. Jus. McLean.

26.	James Thompson Plff in Error vs The West Chester Rail Road Company.	On Error to the Circuit Court of the United States for the Eastern District of Pennsylvania.

Mr. J. R. Ingersoll of Counsel for the Plaintiff in Error having filed a suggestion of a diminution of the record in this case in this, an omission of a part of the charge to the

jury in the usual form as following, that

The Mowry vs Huntington, Judge Thompson held, that after a patent was surrendered the invention would be open to public use without limitation so far as depends on such patent. 1. Paine 355.-

The Grant vs Raymond the court noticed the case of the use of the invention, between the end of the old and before the new patent but remark that that defence is not made and the Counsel did not say that such defence would not be successful, and they are — The defence when to that new fact, may be sufficient in law, not withstanding the existence of the new patent still vs.

The court in this and the subsequent case of Thaw vs Cooper held that the new patent was a continuance of the old, but gave no opinion on the question whether damages could be recovered for the intermediate use of a machine constructed after the first. This question was however put at rest by the last clause of the act of 1832, which assuming that damages could not be recovered for an use of the patented invention before the new patent provides: "But no public use or privilege of the invention so forfeited, derived from or after the grant of the original

Wednesday December 11th 1844 Continued

patent either under any special license of the inventor, or without the consent of the patentee that there shall be a free public use thereof, shall in any manner prejudice his right of recovery for any use or violation of his invention, after the grant of such new patent as aforesaid." The act of 1836 is still more explicit, by providing for the right of recovering damages, only for "causes subsequently accruing."

All this appears that the act of 1839 goes only one step beyond those of 1832 & 1836, and is a mere letter of protection the person who has purchased, constructed or used the machine invented by the patentee, no further than from damages accruing prior to the new patent for the same protection as given by those laws.

To have any effect, it must be held to be in the words of the Supreme Court "a shield" which covers the party from all liability, and by so construing it the act of 1839 embodies the very principle and none other, which in Evans vs Jordan that Court declared to be one which they believed, that no one could question its reasonableness, in order to prevent the hardship of a case precisely similar in principle to that presented. Such construction is the more reasonable, when it is considered that the protection is confined to the specific machine, used before the

patent, and cannot be extended to protect the use of any new or other machine, or construed to vacate the patent or justify the subsequent use by any other persons than those protected. That such was the intention of Congress in relation to an original patent cannot be doubted, and we can perceive no reason why they should omit the very case, in which the Supreme Court have so explicitly declared their opinions if the words of the act of 1837 would have permitted them to apply an unquestionable principle. The act of 1839 not only does not exclude its application, but authorizes and requires it. In referring to the application for a patent it was evidently intended to apply it to the patent on which the patentee sought to recover the renewed one on which alone his right rested, for the law cannot be presumed to be intended to apply to a patent which being invalid or inoperative as a ground of action, had been surrendered, cancelled and cancelled by the act of the patentee himself and was thus divested of all intrinsic efficiency by the acts of 1832 & 1836.

It could have no effect without the aid of the new one, and it would be absurd to suppose, that the law overlooked the application

for the only effective patent and he has only to that which carried new life from it besides the act of 1839 would take from a defendant the protection of the acts of 1832 & 1836 by confining its operation to the old patent for damages could then be recovered for the use between the acts and the renewal a conclusion wholly inadmissable on a sound construction of either the acts in question. The act of 1832 expressly declares that the new patent shall be subject in all respects to the same matters of objection and defence as the original one, from which it necessarily follows, that if the purchase or construction of a machine before the application for an original patent would protect a defendant from all liability to the patentee, the same defence is available when applied to the new one.—

This view of the act of 1839 suffices for the purposes of the present case, a broader one has been taken of it in all the hearings in another Circuit, in this Circuit, which it is not now necessary to examine to decide the point now under consideration.

In the case before us, it clearly appears that the defendants constructed their Rail Road with the plaintiffs canvas in 1834, one year or more before the plaintiffs application for his renewed

patent consequently they may continue to use without liability to the plaintiff.

And thereupon the counsel for the plaintiff and then and there excepted to the aforesaid charge and opinion of the said Court

By reason of which omission and error aforesaid the said counsel have moved the Court to award a writ of Certiorari to be directed to the Judges of the said Circuit Court requiring them that searching the records and proceedings of said Court in this cause they shall certify to this court under the seal of the said Circuit Court whatever omissions and errors shall be found. - On consideration whereof it is now here ordered and adjudged by this court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with the said writ of Certiorari forthwith to this court

P. V. Daniel Ch Jus Taney

Wednesday December 11th 1844 Continued.

George Smith - Pff in Er.	The argument of this cause
vs	was continued by Mr
William Turner Lessee	Willis Hall for the
Commissioner &c. —	Defendant in Error. -

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday December 11th 1845.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M Wayne	
The Hon'ble	John Catron	Associate
	John McKinley	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Chas J. Ingersoll. It is ordered that Henry W. Hilliard Esquire of Alabama be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Thursday December 11th 1845 Continued.

On motion first made to the Court in this behalf by Mr Hall. It is ordered that Augustus Kellogg Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

39. George Smith. Jeff in Er. vs William Turner, Hall Comr. &c —	The argument of this cause now continued by Mr Van Buren for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock. —

Friday December 12th 1845.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne.	
The Hon'ble	Henry Baldwin	Associate
	John McKinley	Justices
	Samuel Nelson.	
	Levi Woodbury	

Alexander Hamilton Esqre Marshal.
William Thomas Carroll Esqre Clerk.

Proclamation being made the court is opened.

On motion first made to the court in this behalf by Danl Webster. It is ordered that Spencer Jarnagin Esqre of Tennessee be admitted to practice as an attorney and counsellor of this court and he was duly accordingly.

Friday December 11th 1845 Continued.

Lyman A. Spalding Jr. Esq. vs. The People of the State of New York ex rel Laurence T. Backus	This cause was submitted to the consideration of the court on the record and printed arguments of Mr Burleigh for the Plaintiff in Error, and by Mr Williams for the defendant in Error.

61.

Proclamation being made the court is adjourned until Monday morning at eleven o'clock.

Monday December 15th 1845.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
The Hon'ble	John Catron	Associate
	John McKinley	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the court is opened

The motion first made to the court in this behalf by Mr Sargeant Hereupon that John M. Scott Esquire of Pennsylvania be admitted to practice as an attorney and counsellor of this court and he was sworn accordingly.

Monday December 15th 1845. Continued.

On motion first made to the Court in this behalf by Mr Webster it is ordered that Charles Wilson Esquire of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

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On motion first made to the Court in this behalf by Mr Van Buren. It is ordered that Stephen Strong Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

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George Smith. Plff in Er vs William Farmer Knott Def.t in Er.	The argument of this cause was concluded by Mr. Webster for the Plaintiff in Error.

39.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday December 15th 1845.

Pursuant to Adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M Wayne	
The Hon'ble	John Catron	Associate
	John McKinley	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hamilton Esquire. Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened

On motion first made to the Court on the behalf by Mr Attorney General. It is ordered that Benjamin F. Butler Esquire of Massachusetts be admitted to practice as Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday December 18th 1843. Continued

Thomas Maury Robert P. Burnie Wm Magney & Wm L Murfree 29 vs Jeffries Ashby Y Parker, admr of Thomas S. Porter, decd	In Error to the Supreme Court of Errors and appeals for the State of Tennessee.

This cause came on to be heard on the transcript of the record from the Supreme Court of Errors and appeals for the State of Tennessee, and was argued by Counsel. On consideration whereof, it is now here ordered and adjudged by this court that this writ of Error be and the same is hereby dismissed for the want of prosecution.

Js. M. Ch. Jus. Taney.

Alexander Levi. appt vs John Thompson, James M. Emerson, Hannibal Emerson, and Isha G. Shields	On appeal from the Supreme Court for the Territory of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court in and for the Territory of Iowa and was argued by Counsel. On consideration whereof, It is now here ordered adjudged and decreed by this court that the decree of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

Js. M. Ch. Jus. Taney.

Daniel Garrard Jffitts.	In Error to the
34	Circuit Court of the
vs.	United States for the
The Heirs of Henry Reynolds James	District of Kentucky.
Reynolds, Edmund Lechbush &	
Lechbush his wife, James Reese &	
his wife, heirs and repre-	This cause came on to be
sentatives of James Reynolds dec'd	heard on the transcript

of the record from the Circuit Court of the United States for the District of Kentucky and was argued by counsel on consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs.—

(Pr. Mr. Justice Nelson.—

Gerard B Brandon Jffitts.	In Error to the
35	Circuit Court of the
vs.	United States for the
Ralph W. Griffiths and	Southern District of
Floyd Whitehead.	Mississippi.—

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Mississippi and was argued by Counsel on consideration whereof

Tuesday December 15th 1846 Continued.

It is now here ordered and adjudged by this Court that the judgment of the Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of 6 per centum per annum. — Pr. M. Jus. Catron. —

Charles Gratiot Plff in Er vs The United States —	The argument of this cause was commenced by Gen[l] Jones for the Plaintiff in Error.

20.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Wednesday December 1st 1845.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
The Hon'ble	John Catron	Associate
	John McKinley	Justices.
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Sanford S. Smith, Elias B. Holmes and Fletcher M. Haight Esquires of New York be admitted to practice as Attorneys and Counsellors of this Court and they now severally purs according ly.

Wednesday December 1st 1845 Continued.

82.	Thomas Mackay Exr. &c. Plff in Error vs Patrick M. Dillon —	This cause was submitted to the consideration of the court on the record and printed arguments by Mr Lawrence of Counsel for the Plaintiff in Error and by Mr Bates in behalf of the defendant in Error
29.	Thomas Maney Exr. &c. Plff in Er vs Thomas S. Yates admr.	Mr Mason of Counsel for the defendant in Error moved the court to order the mandate in this case to be issued forthwith. On consideration whereof, It is now here ordered by the court that the Clerk do forthwith issue the mandate in this case. —
20.	Charles Gratiot Plff in Er vs The United States. —	The argument of this cause was continued by Mr Jones for the Plaintiff in Error and by Mr Attorney Genl for the Defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Thursday December 18th 1845.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne	
The Hon'ble	John Catron	Associate
	John McKinley	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court was opened.

On motion first made to the Court in this behalf by Mr Curtis it was ordered that John H. James Esquire of Ohio be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Thursday December 18th 1845. Continued.

19.	Marie Nicolle Le Bois Demandt. — Pffs in Er. / Samuel Swartwout	This cause was submitted to the consideration of the Court on the record and printed arguments by Mr Meyers for the plaintiff in Error and by Mr Bates in behalf of the defendant in Error.
6.	James Brown Pffs in Er. / John Clarke	This cause was submitted to the Court upon further argument by Mr Brown for the defendant in Error.
20.	Charles Gratiot Pffs in Er. / The United States	The argument of this cause was concluded by Mr Key for the Plaintiff in Error.
38.	Lessee of James Brown Pffs in Er. / James Lemans Def.	The argument of this cause was commenced by Mr Crittenden for the Plaintiff in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday December 19th 1845

Pursuant to adjournment the court met this morning at the capitol

Present

The Honorable	Roger B Taney	Chief Justice
	John McLean	
	James M Wayne	
The Honble	John Catron	Associate
	John McKinley	Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire, Marshal
William Thomas Carroll Clerk

Proclamation being made the court is opened.

On motion first made to the court on this behalf by Mr Attorney General it is ordered that Frederic E Mather Esquire of New York and William Henry Trescot Esquire of South Carolina be admitted to practice as Attorneys and Counsellors of this court and they were severally sworn accordingly.

Friday December 1st 1843. Continued

38.	Lessee of James Ewen vs Plff in Error James L Lindsay Def	The argument of this cause was continued by Mr Crittenden for the plaintiff in Error, and by Mr Legate Bryant for the defendants in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday December 22d 1845.

Pursuant to adjournment the court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	James M Wayne	Associate
	John Catron	Justices.
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk

Proclamation being made the court is opened

On motion first made to the court in this behalf by Mr Attorney General. It is ordered that Alexander L. Stone Esquire of South Carolina and Archibald L. Mann Esquire of New York be admitted to practice as Attorneys and Counsellors of this court and they severally sworn according ly.

Monday December 22nd 1845. Continued

On motion first made to the court in this behalf by Mr Bagby. It is ordered that Edward J Lanyan Esquire of Habana be admitted to practice as an Attorney and Counsellor of this court and he was sworn accordingly.

38.	Lessee of James Erwin pffs in Error vs James Pendas vs	The argument of this cause was continued by Mr Sargeant for the defendants in Error and concluded by Mr Catlett for the plaintiff in Error.
40.	Alexander Rankin vs Pffs in Error vs Jesse Hoyt (U.S.)	The argument of this cause was commenced by Mr Selden for the plaintiffs in Error, continued by Mr Attorney General for the defendant in Error and concluded by Mr Selden for the plaintiffs in Error
41	Benjamin F. Sims pffs in Error vs Thomas Hundley	On motion of Mr Mason of Counsel for the plaintiffs in Error, it is now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 35th rule of this court.

Jeremiah Carpenter appt 57. vs The Providence Washington Insurance Company —	On motion of Mr Sergeant this cause was submitted to the consideration of the Court on the record and printed arguments by Messrs Whipple and Ward of counsel for the appellant and by Messrs Sergeant and Greene of counsel for appellee.

William M. Gwin et al 42. vs Plffs in Error C. S. & A. Barton	On motion of Mr Chalmers of counsel for the defendants in Error, and with the assent of Mr Mason of counsel for the Plaintiffs in Error. It is now here ordered by the Court that this cause be and the same is hereby postponed to the first of the Docket under the 36th Rule of Court. —

Noel Jordan et al. Plffs in 44. vs Thomas Barrett et al	This cause having been called for argument and no counsel appearing ready to proceed with the same. It is therefore now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of Court. —

Monday December 22d 1845. Continued

The United States Plffs vs 43. Gordon L. Boyd et al Defts	On motion of Mr. Attorney General of Counsel for the Plaintiff it is now here ordered by the court that this cause be and the same is hereby postponed to the postponed to the foot of the docket under the 36th rule of court. –

George W. Phillips Plff vs 43. John L. Paxton	This cause having been called for argument and no counsel appearing ready to proceed with the same. It is therefore now here ordered by the court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of court. –

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock

Tuesday December 23d 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Hon'ble	Jas M Wayne	Associate
	John Catron	Justices
	James Nelson	
	Levi Woodbury	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Sergeant - It is ordered that Horace M'Michael Esqre of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly -

Tuesday December 23d 1845 Continued

46.	Thomas Aspden Exr of John Aspden dcd Complt vs Henry Nixon Exr of Matthew Aspden	The argument of this cause was commenced by Mr Hoffman for the complainants. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock. —

Wednesday December 24th 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Noble	James M. Wayne	Associate
	John Catron	Justices.
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

46.	Thomas Aspden Exr of John Aspden dec'd vs Caspar Henry Aspden Exr of Matthias Aspden	The argument of this cause was continued by Mr Hoffman for the Complainants and by Mess'rs Key & Williams for the Defendants.

Proclamation being made the Court is adjourned until Friday morning at eleven o'clock.

Friday December 25. 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
The Honble	James M. Wayne	Associate
	John Catron	Justices.
	Samuel C. Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Huffman. It is ordered that Samuel Spencer Esquire of Florida be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.—

Lessee of Mary Jane Wal.	Mr Sergeant of counsel for
56 vs Jeffs in Er	the defendant in Error
N. S. Dupreonel Wal.	having filed and read
	in open Court the following

agreement of the Attorneys of the parties in writing in the words and figures following, to wit-

"In the Supreme Court of the United States

In the cause now pending in said Court, wherein John Doe on the demise of Mary Fare, Alexis Fare, John B. Fare & Charles Fare, and also on the demise of Edmund Fare, John B. Meuse and Mary his wife, Celeste Fare & Louis Fare, and also, on the demise of Mary Fare, Alexis Fare, John Baptiste, Charles Fare Children of Simon Fare deceased, and Marie, Louis Fare, Celeste Fare, Edmund Fare and John B. Meuse are Plaintiffs and Richard Roe and Geo. A Stewart & Abner S. Lipscomb Trustees are defendants and being the Case on the Supreme Court docket, and being an action of Ejectment in which said John Doe on the demises aforesaid filed out a writ of Error to reverse the judgment of the Circuit Court of the United States at Mobile.-

In the above entitled case it is agreed between the parties that the judgment of the Circuit Court at Mobile, shall by consent of the parties mutually be affirmed, and that at the next term of the said Supreme Court, judgment of affirmance shall be entered in said Court by consent of the

Friday December 26. 1845. Continued

parties as aforesaid. In Witness Whereof the Counsel of the parties mutually have hereunto set their hands at Mobile this twenty eighth day of June. 1845. —

Campbell & Chandler
Attys for Plff
Stewart & Easton
Attys for Deft in Error.

Thereupon moved the Court to enter a judgment of affirmance in this case, with leave to the parties or their Counsel to move the Court to strike out said judgment and to argue the case. In Consideration Whereof, it is now here ordered by the Court that a judgment of affirmance nisi be entered up in this cause. —

Richard C. Downs Jffin Error vs William L. Scott. —	Mr Cullenden in behalf of the Defendant in Error moved the Court to dismiss

50.

this writ of Error, because 1st Said writ of Error is directed to the Judge of the 9th Judicial District Court of the State of Louisiana when in truth no writ of Error lies from this Court to that 2d Said writ is for alleged error in a judgment of the said District Court of Louisiana, when, in truth, this court has no jurisdiction to judge of, or correct

said error if it exists, and no power to revise said judgment upon writ of Error. -

3d That the record filed in this Case, or what purports to be such, is not duly entitled or legally authenticated and certified - the certificate of "John L. Manning, Clerk of the 9th District Court, Parish of Madison, &c" being no evidence of the truth or verity of any record which this Court has power to judge of on writ of Error.

4th The subject matter of said suit and judgment, and the parties thereto, were proper matters and objects of the jurisdiction of the Courts of the State of Louisiana - And there is nothing therein to give this Court any cognizance or right to revise or reverse said judgment - and the same is final and conclusive" Which motion was opposed by Mr Mason of Counsel for the plaintiff in Error - Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises doth time to consider.

John Doe on the demise of Mary Jane Val. Plaintiff in Error	In Error to the Circuit Court of the United States for the Southern District of Alabama.
56. Richard Roe Casual Ejectr. A. L. Lipscomb Val	

Friday December 26th 1845 Continued

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and it appearing to the Court here from an agreement in writing signed by the Attorneys of the parties and filed in the case that judgment of affirmance should be entered in the case by consent of the parties as aforesaid - It is thereupon now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs. unless during the present term of this Court this judgment be rescinded and annulled by this Court on the motion of the Counsel of either party, to whom leave is hereby granted to submit such a motion at any time during the present term of this Court.

Pr. Mr. Ch. Jus. Taney. -

Edward B. Bradford Plff in Er	In Error to the Court
133. vs	of Appeals for the Territory
Robert W. Williams, Sheriff &c	of Florida. -

Mr. Thompson of Counsel for the defendant in Error having filed and read in open Court the following certificate, to wit. -

"At a Court of Appeals for the Territory of Florida, continued and held at the Court house in

Friday December 26th 1845. Continued.

the City of Tallahassee, on Monday the 3d day of February A. D. 1845

Edward B. Bradford. Appellant
vs
Robert W. Williams, Executor Appellee

Upon an Appeal from a judgment of the Superior Court of the Middle District for Leon County rendered on the 31st day of December 1844, whereby it was considered that the appellee should recover against the said appellant the sum of $6404 70/100 & his costs.

This day came the parties by their attorneys, and the transcript of the record of the judgment aforesaid being perused and inspected and said parties fully heard by Counsel, it seems to the Court here that there is no error in said judgment: therefore it is considered by the Court that the same be affirmed, and that the appellee recover against the said Appellant his costs by him about his defence in this behalf expended, which is ordered to be certified to the Court below.-

Territory of Florida.
Leon County. Court } I, Richard I Bacon Clerk of the Court of Appeals for the Territory of Florida, do hereby Certify that the foregoing is a true Copy of the judgment of

Friday December 26th 1845. Continued

rendered by said Court of Appeals in the above entitled cause, and that a writ of Error from the Supreme Court of the United States was asked and prayed out, and bond filed in my said Office according to law. which said writ of Error was directed to operate as a Supersedeas.

In Testimony Whereof, I hereto set my hand and affix the Seal of the said Court at Tallahassee this 24th day of July 1845. — R. I. Birchell Clk

Seal

and whereas stated that the Plaintiff in Error had altogether failed to file the record of said cause in this Court, or in any way to prosecute said writ of Error. Now there moved the Court in pursuance of the 43d rule of this Court to have this writ of Error docketed and dismissed. On Consideration Whereof, It is now here ordered and adjudged by this Court that this writ of Error to the Court of Appeals for the Territory of Florida be and the same is hereby docketed and dismissed with Cost, and that this cause be and the same is hereby remanded to the said Court of Appeals for further proceedings to be had therein in Conformity to law and justice the said writ of Error notwithstanding.

Jr. M. Ch. Jus. Taney. —

Friday December 29th 1843. Continued.

134. John Judge. Pff in Er
vs
Robert W. Williams, Trustee &c

In Error to the Court of Appeals for the Territory of Florida.

And the counsel of counsel for the defendant in Error having filed and read in open Court the following certificate, to wit

"At a Court of Appeals for the Territory of Florida Continued and held at the Court House in the City of Tallahassee, on Monday the 3d day of February A.D. 1843.

John Judge - appellant
vs
Robert W Williams, Trustee &c

Upon an appeal from a judgment of the Superior Court of the Middle District for Leon County rendered on the 4th day of January 1843, whereby it was considered that the appellee should recover against the said appellant the sum of $6406 Dollars & his costs.

This day came the parties by their Attorneys and the transcript of the record of the judgment aforesaid being seen and inspected, and said parties fully heard by counsel - it seems to the Court here that there is no error in said judgment; therefore it is considered by the Court that the same be affirmed, and that the appellee recover against the said appellant his costs by him about his defence

Friday December 25th 1843. Continued.

in this behalf expressed, which is ordered to be certified to the Court below. —

Territory of Florida.
Leon County, to wit. } I Richard J. Birchett, Clerk of the Court of Appeals for the Territory of Florida do hereby certify that the foregoing is a true copy of the judgment rendered by said Court of Appeals in the above entitled cause; and that a writ of Error was asked and filed out and bond filed in my said Office according to law: which said writ of Error to the Supreme Court of the United States was directed to operate as a Supersedeas. —

In Testimony whereof I have put my hand and affix the Seal of the said Court at Tallahassee this 24th day of July 1843.

(Seal)

R. J. Birchett, Clerk"

and having stated that the Plaintiff in Error had altogether failed to file the record of said Case in this Court, or in any way to prosecute said writ of Error. now here moved the Court in pursuance of the 4th rule of this Court to have this writ of Error docketed and dismissed. On Consideration whereof It is now here ordered and adjudged by this Court that this writ of Error to the Court of Appeals for the

Friday December 21st 1845. Continued.

Territory of Florida be and the same is hereby rectified and dismissed with costs, and that this cause be and the same is hereby remanded to the said Court of Appeals for further proceedings to be had therein in conformity to law and justice the said writ of Error notwithstanding. — Wm. M. Ch. Jno. Laury

44. Noel Jourdan vs Jeffries & Co
to
Thomas Barrell Jr.

The argument of this cause was commenced by Mr Love for the plaintiff in Error, continued by Mr Crittenden for the defendants in Error and concluded by Mr Love for the plaintiff in Error. —

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock. —

Monday December 29th 1845.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne	
The Honble	John Catron	Associate
	Samuel Nelson &	Justices -
	Levi Woodbury	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Thomas McKarner Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. -

On motion first made to the Court in this behalf by Mr Cadwalader. It is ordered that Theodore Cuyler Esquire of Pennsylvania be admitted to practice as an Attorney and counsellor of this court and he was sworn accordingly. -

Monday December 29th 1845. Continued.

47	Charles Clyfton claimt &c. vs Pfffs in Error. The United States — —	The argument of this cause was commenced by Mr Merrick for the Plaintiff in Error, and continued by Messrs Cadwalader and Attorney General for the defendant in Error.
83.	James Mackay's Extr & thers vs Pfffs in Error. Patrick M Killen —	This cause was further submitted on printed argument by Mr Lawless for the Plaintiffs in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock —

Tuesday December 30th 1845.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
The Honble	John Catron	Associate Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that Lyman B. Walker Esquire of New Hampshire be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

30.	Samuel Smyth Jr. Plff in Er vs Daniel S. Strader, James Per- rine, & John H. Wilcock late Partners under the firm of Strader, Perrine, & Co —	In Error to the Circuit Court of the United States for the Southern District of Alabama. -

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed & the said Circuit Court with instructions to award a venire facias de novo. -

Ch. Jr. Hon. McLean.

38.	John Doe on the demise of James Erwin. Plff in Er vs James Lemuel Mandeville & Lewis Robert T. Hillyard, James M Jones and Robert Howell. -	In Error to the Circuit Court of the United States for the Southern District of Alabama. This cause came on to be heard on the transcript of the record

Tuesday December 30th 1845. Continued

from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs.

Pr. Mr. Justice Nelson.

Alexander Rankin, Cunningham Smith, George C. C. Munger, and John McCall. Plffs. in Er.

vs.

40. Isaac Hoyt Defdt in Er.

In Error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel. On Consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with cost.

Pr. Mr. Justice Woodbury.

61 Lyman A Spalding. Plff in Er. vs. The People of the State of New York on the relation of Frederick I. Backus. — Def in Er.

In Error to the Court for the trial of Impeachments and the correction of Errors of the State of New York.

This cause came on to be heard on the transcript of the record from the Court for the trial of Impeachments and the correction of Errors of the State of New York, and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court by this Court that the judgment of the said Court for the trial of impeachments and the correction of errors be and the same is hereby affirmed with costs. — Pr. Mr. Ch. Jus. Taney. — (Dissenting Mr. Jus. McLean. Mr. Jus. Wayne and Mr. Jus. McKinley.)

2. Ex parte. In the matter of Turner Dixon. Joseph H. Miller. —

Rule on the Marshal of the District Court of the United States for the District of Columbia to shew cause why a Mandamus &c —

Tuesday December 3d 1844 Continued.

On consideration of the petition filed in this case by Aaron L. Harman and of the motion to allow the Judges of the said Circuit Court to amend their return by adding thereto a statement of the proceedings in this case, and of the arguments of Counsel thereupon had as well in support of as against said motion. It is now here ordered by this Court that the said motion be and the same is hereby overruled.

Charles Clifton Plaintiff in Error vs 47. The United States	The argument of this cause was concluded by Mr Merrick for the plaintiff in Error.
James Buckley, Plaintiff in Error vs 48. The United States	The argument of this cause was commenced by Mr Merrick for the plaintiff in Error, continued by Mr Attorney General for the Defendants in Error and concluded by Mr Merrick for the plaintiff in Error.

Tuesday December 30th 1845. continued.

Suse of Geay. Fuller et al. vs. Fiffin for Sarah K. Eckert et al.	The argument of this cause was commenced by Mr C. J. Ingersoll for the plaintiff in Error

Proclamation being made the court is adjourned until tomorrow morning at eleven o'clock -

Wednesday December 31st 1845.

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
The Hon'ble	John Catron	Associate Justices
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal.
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Bibb. It is ordered that Harvey H. Allen Esquire of Texas be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly -

Lessee of Geo. Fellowes &c vs 49. Jacob K. Eckert &c	The argument of this cause was continued by Mr Scott for the defendants in Error and concluded by Mr Ingersoll for the Plaintiffs in Error

Wednesday December 31st 1845. continued

32.	James Thompson Esqr vs The West Chester Rail Road Company —	The argument of this cause was commenced by Mr C Ingersoll for the Plaintiff in Error.

Proclamation being made the Court is adjourned until Friday morning at eleven o'clock —

Friday January 2d 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John Catron	
	Samuel Nelson	
	Levi Woodbury	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr. Whipple. It is ordered that Francis Ames Esquire of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

153. Edward B. Bradford vs Robert W. Williams

Mr Westcott of counsel for the Plaintiff in Error moves that the rule and order entered in this cause 25th December 1845 be set aside and vacated on the

Friday January 2d 1845 Continued.

ground that the certificate on which the same was granted was not given by an officer authorized to give the same - And he further moves that the plaintiff in Error have leave till next term to return and file the record in said cause - And if this last motion is denied he moves to file the record now filed with the Clerk and that said cause be reinstated on the docket and heard at this term on said record - Whereupon the Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider -

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Thomas J. Brown &c.	On motion of Mr
108. vs	Thompson of counsel
The Union Bank of Florida	for the defendant in

Error and with the assent of Messrs Eaton and Brackenbrough of counsel for the plaintiff in Error. It is now ordered by the Court that the motion to dismiss this writ of Error be and the same is hereby set down for argument on Friday next the 9th instant.

Friday January 2nd 1846 Continued

John C. Sheppard vs C.	Mr Hall of counsel for the
142 " " Pfeiffer	plaintiffs in Error, states that
John Wilson	the plaintiffs in Error have

complied with the Clerk order, in compliance with the requirements of the 37th rule of court and now here moves the court to rescind and annul the order made by this court docketing and dismissing the writ of Error in this cause on a prior day of the present term of court, on Tuesday the 9th instant, and for leave to file the record and to docket this case in conformity to the rules of this court. On consideration whereof it is now here ordered by this court that the judgment of this court docketing and dismissing the writ of Error in this cause with costs, entered on a previous day of the present term of this court, to wit, on Tuesday the 9th day of December, be and the same is hereby rescinded and annulled upon the payment of this costs by the plaintiffs in Error, and that leave be and the same is hereby granted the said plaintiffs in Error to have their record filed and case docketed upon their complying with the rules of this court. — Pr. Mr. Mr. McLean.

Friday January 2d 1845. Continued.

James Stimpson Plff in Error
vs.
The West Chester Rail Road Company. Deft in Error.

The argument of this cause was continued by Mr. C. Ingersoll for the Plaintiff in Error, and by Mr. Miles for the Defendant in Error, and concluded by Mr. J. R. Ingersoll for the Plaintiff in Error.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock.

Monday January 5th 1845

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John M'Lean	Associate
	James M. Wayne	Justices
	John Catron	
	John M'Kinley	
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.—

On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that George Eustis Esquire of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

On motion first made to the Court in this behalf by Mr R. W. Greene. It is ordered that Edmund H Arnold Esquire of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.—

Richard Adams Plff in Er 50. vs William J Scott —	the argument of this cause was commenced by Mr Mason for the Plaintiff in Error continued by Mr Cattlemen for the defendant in Error and concluded by Mr Mason for the Plaintiff in Error.

Elizabeth Walker Exrx &c Plff in Er 51. vs Francis T Taylor, Admr Trustee &c.	the argument of this cause was commenced by Mr Cattlemen for the Plaintiff in Error, continued by Mr Coxe for the defendant in Error and concluded by Mr Cattlemen for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 5th 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Coxe. It is ordered that Alfred H. Hanscom and Cogswell K. Green Esquires of Michigan be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Thomas Corkins's Exr &c vs 53. Anthony Preston &c	The argument of this cause was commenced by Mr Blease for the Plaintiff in Error, continued by Mr Bradley for the defendant in Error and concluded by Mr Cox for the Plaintiff in Error.

William A. Bailey Appt vs 54. Peter Chouteau Jr & al	The argument of this cause was commenced by Mr Cox for the Appellant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Wednesday January 7th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
Alexander Hunter Esquire		Marshal
William Thomas Carroll,		Clerk.

Proclamation being made the Court is opened.

The Honorable Levi Woodbury having presented Letters Patent from the President of the United States, which were read in open court, in the words and figures following, to wit:

"James K. Polk

President of the United States of America.

To all to whom these Presents may come, Greeting:

Know Ye, That reposing special trust and confidence in the wisdom, uprightness and learning of Levi Woodbury, of New Hampshire, I have nominated, and by and with the advice and consent of the Senate,

Wednesday January 7th 1845. Continued.

to appoint him one of the associate Justices of the Supreme Court of the United States, and to authorize and empower him to execute and fulfil the duties of that office according to the Constitution and laws of the United States, and to have and to hold the said office, with all the powers, privileges and emoluments thereunto of right appertaining unto him, the said Levi Woodbury during his good behaviour.

In Testimony whereof I have caused these Letters to be made Patent and the Seal of the United States to be hereunto affixed.

Given under my hand at the City of Washington the third day of January in the year of our Lord one thousand eight hundred and forty five and of the Independence of the United States of America the Sixty-ninth.

By the President: James K. Polk

James Buchanan Secretary of State."

Thereupon took the following oath of office in open Court

"I Levi Woodbury do solemnly swear, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully discharge and perform

Wednesday January 7th 1842. Continued.

all the duties incumbent on me as an associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States. So help me God."

On motion first made to the Court in this behalf by Mr Cole. It is ordered that William H. Seward Esquire of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

William A. Bradley appt vs Pierre Chouteau jr & al	The argument of this cause was continued by Mr Cole for the appellant and by Mr L. Levy for the appellees.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 8th 1845.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Hon. Chief Justice	The Hon. McLean	Associate Justices.
	The Hon. James M. Wayne	
	The Hon. John McKinley	
	The Hon. Samuel Nelson	
	The Hon. John Catron	
Alexander	Hunter Esqr.	Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened.

William A. Bradley Appt	The argument of this cause
vs.	was continued by Messrs
Peter Chouteau Jr. & al	G. Cox & Jones for the Appellees.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Friday January 9th 1845.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Hon. John McLean Associate
James M Wayne Justices.
John Catron
John McKinley
James Nelson
Levi Woodbury

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court was opened.

Richard Lee Jones Plaintiff in Error
vs
William L Hall

No Error to the Ninth Judicial District Court of the State of Louisiana.

This cause came on to be heard on the transcript of the record from the Ninth Judicial District Court of the State of Louisiana and was argued by Counsel. On consideration whereof it is now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction. Opinion by Mr. McLean.

Friday January 9th 1852 Continued.

W & L Haldeman pltffs	Mr Gentilon's having
134 vs	filed and read in
Edward Anderson —	open court the following affidavit, viz

"United States of America.

Southern District of Mississippi —

"This day William Haldeman personally appeared before me Commissioner for taking affidavits in Civil Cases &c and made oath that sometime during the last summer and many months previous to the session of the present Term of the Supreme Court of the United States he applied to the Clerk of the Circuit Court of the United States for the Southern District of Mississippi to know what he should do in relation to the record in the case of Edward Anderson against the said Haldeman and others on a writ of Error from said Circuit Court and the said Clerk then told this affiant that he must prepare and send up to the Supreme Court of the United States the transcript of the record in said cause, and that all affiant would have to do would be to procure sureties for costs of suit in the Supreme Court. Trusting to and fully believing that said transcript would be duly

up by the Clerk to the Supreme Court, the affiant
applied to Daniel W. Dickenson a member of
Congress and amply solvent to become his surety
for the costs of the Supreme Court which he promised
to do. The said Dickenson was taken sick, and as
the informed affiant had written to Joseph H.
Peyton and Mr Rayner, members of Congress to
become the securities for costs. Affiant has been informed
this day for the first time by his counsel in the
Circuit Court, that the transcript of said record
had not been forwarded by the Clerk as aforesaid.
Affiant sends the same accompanying this affidavit
and prays that said record be filed and the
case docketed, and if said suit be dismissed
that the same be set aside, the record filed and
the case docketed. Wm Hardeman."

"Sworn to and subscribed before
me at the 26th day of February A.D. 1845

Thos Rochelfort

M. State Commissioner of Affidavits &c
for the Southern District of Mississippi."

Thereupon he submitted the following motion, viz

"Hardeman vs Thompson

This Case was depending before
this Court at its last Term upon a writ of Error prosecuting

as a supersedeas, and was then dismissed because the record was not filed. The cause of the failure to file is accounted for and explained in the affidavit now submitted to the Court. The affidavit was received here within a few days after the close of the last Term, and too late of course, to make the intended motion to set aside the dismission. Since then the plaintiffs have sued out another writ of Error and executed another bond &c. but this not operating per se, as a supersedeas, the plaintiffs are exposed to execution on the judgment below, they therefore move the Court for a supersedeas. Collection &c. off &c. Error"

Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises doth time to consider

Thomas Brown. Plff in Er.	The motion to dismiss
vs	this writ of Error was
The Union Bank of Florida	argued by Messrs Thompson & Cox, in support

of the same, and by Messrs Breckenridge & Baker in opposition thereto.

Friday January 9th 1841 Continued

133. Edward B. Bradford — vs — Robert W. Williams Imdt. &c

The motion to vacate the judgment entered in this case on the 21st inst was argued by Mr. Webster in support of the same and by Messrs Thompson & C. Cox in opposition thereto.

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock —

Monday January 12th 1841

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John McLean	Associate
	James M Wayne	Justices
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll,	Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court on the behalf by Gen'l Wilcox. It is ordered that Mepharian Ellis Esquire of Missouri be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court on the behalf by Gen'l Cowin. It is ordered that Timothy Walker Esquire of Ohio be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

Monday January 12th 1846. Continued.

On motion first made to the Court on this behalf by Mr Reverdy Johnson it is ordered that Lemuel P. Wright Esquire of Vermont and Isaac L. Wright Esquire of Indiana be admitted to practice as attorneys and counsellors of this Court and they were severally sworn accordingly.—

6.	James Brown Plff in Er v John Clarke	In Error to the District Court of the United States for the Eastern District of Mississippi.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Mississippi and was argued by counsel. On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of six per centum per annum.— Pr Mr Justice Nelson.—

105.	Thomas Brown Plff in Er v The Union Bank of Florida	In Error to the Court of Appeals for the Territory of Florida.—

This cause came on to

be heard on the transcript of the record from the Court of Appeals for the Territory of Florida, and it appearing on the motion of Mr Thompson of Counsel for the Respondent in Error, that there has been no service of the Citation in this cause, It is therefore upon now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed with Costs.

For Mr Jus: McLean.

153. Edmund B. Bradford — vs — Jeffis & Robert W. Williams, Justices &c

On Consideration of the motion made on a former day of the present term and Friday the 9th inst. by Mr Westcott it is ordered and decreed the judgment in this cause on the 25th ult. dismissing this writ of Error with Costs, and of the arguments of Counsel thereupon had as well in support of as against the said motion. It is now here ordered and adjudged by this Court that the said judgment of the 25th ult. be and the same is hereby rescinded and annulled upon the payment of costs by the Plaintiff in Error. And it is further now here ordered by the Court that the Plaintiff in Error have leave to file his record and

docket his cause, upon the condition that the same shall, at the option of the defendant in Error, be submitted on printed arguments at the present term. —

Nelson, Cadwalader & others appts vs 55. John L. Hill et al	Mr Crittenden of counsel for the appellees having suggested the death of James Gray one of the appellees, moved for leave to make the proper representatives of said deceased parties and to continue this cause to the next term. On consideration whereof it is now here ordered by the Court that the leave prayed for be granted and that this cause be continued to the next term. —

The United States pltffs vs 58. J. Beverly Daniel Claimt	On motion of the Attorney General of counsel for the pltffs in error it is now here ordered by the Court that he have leave to submit this cause on printed argument. —

Daniel Meese pltff in Er. v. Harriet Bishop ———	On motion of Mr Darragh It is now here ordered by the Court that his appearance for the defendant in Error be Stricken out. —
57 Daniel Meese pltff in Er. v. Harriet Bishop ———	This cause was argued by Messrs Bleasdale & Cox for the plaintiff in Error and submitted on a printed argument by Mr Brindle for the defendant in Error.
58 Thomas Beale pltff v. Felicite Hale ———	This cause was submitted to the Court on the record and printed arguments by Mr Walker for the plaintiff and by Messrs Bates and Fraser for the defendant. —

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday January 13th 1846.

Pursuant to agreement the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
Alexander	Hunter Esquire	Marshal
William Thomas	Carroll	Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Henry Johnson. It is ordered that Dominick M. Bruno Esquire of Maryland be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court in this behalf by Mr Chilton. It is ordered that Geo. Turner Esquire of Rhode Island be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday January 13th 1841. Continued.

John Judge - Pff in Er — To Robert W. Williams, Trustee &c	On motion of Mr. Wirt and in behalf of the Plaintiff in Error and with the assent of Mr. Thompson of counsel for the defendant in Error. It is now here ordered and adjudged by this court that the judgment entered in this cause on a prior day of the present term of this court, to wit, on Friday the 25th ulto. dismissing this writ of Error, with costs be and the same is hereby reversed and annulled upon the payment of costs by the Plaintiff in Error. And it is further now here ordered by the court that the Plaintiff in Error have leave to file his record and docket his cause, upon the condition that the same shall, at the option of the defendant in Error be submitted on printed arguments at the present term of this court.
Lewis A. Collier Pff in Er — To Heirs Shanbrough —	On motion of Mr. Mason of counsel for the Plaintiff in Error and with the assent of Mr. Barton of counsel for the defendant in Error. It is now here ordered by the court that leave be and the same is hereby granted the said counsel respectively to submit this cause on the record and printed arguments. —

62

Tuesday January 13th 1842. Continued.

Rives, Pegg & the appts 53. v. Peyton Smith et al	This cause was argued by Mr Brinley for the appellants
John C Pegg & appellant 54. v. Martha A Sessions	This cause was submitted on the record by Mr Guillemin of counsel for the defendant in Error
The Agricultural Bank of Mississippi et al - Plffs in Er v. Charles Pitts et al	This cause was argued by Mr Guillemin for the defendants in Error, and in motion of Mr Mason leave was granted him to docket the cause on a printed argument in behalf of the plaintiffs in Error and Mr Guillemin to reply thereto.
Benjamin L Harris 55. v. Plff in Er James Robinson	The argument of this cause was commenced by Mr Guillemin for the plaintiff in Error, continued by Mr Brinley for the defendant in Error and concluded by Mr Guillemin for the plaintiff in Error. —

Tuesday January 13th 1846 Continued

99	The West River Bridge Company vs Joseph Dix et al	The argument of this cause was commenced by Mr Collamer for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Wednesday January 14th 1845

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean.	Associate
	James M Wayne.	Justices
	John Catron.	
	John McKinley.	
	Samuel Nelson.	
	Levi Woodbury.	

Alexander Hunter Esquire Marshal.
William Thomas Carroll. Clerk

Proclamation being made the Court is opened

	Charles Gratiot pltff in Er.	Error to the Circuit Court of the United States for the District of Missouri.
20.	vs	
	The United States.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Missouri, and was argued by Counsel. On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed - And it is

Wednesday January 14th 1846. Continued.

appearing to the Court that the judgment of the said Circuit Court for $2,912.50 cts entered upon the verdict of the jury rendered both principal and interest, it is further now here ordered by the Court that the said judgment be affirmed with damages at the rate of six per cent on the sum of $2,275 cts, the principal in the judgment of the said Circuit Court from 29th April 1843 until June

Per Mr. Chs. Magill.

The West River Bridge Company
vs
Joseph Dix et al

The argument of this cause was continued by Mr Coltman for the Plaintiff in Error and by Mr Phelps for the defendants in Error.

Thos Begg the appt
vs
Taylor Smith et al

On motion of Mr Brown of Counsel for the appellees Ordered now here entered by the Court that leave be and the same is hereby granted him to submit this cause in behalf of the appellees on a printed argument.

Wednesday January 11th 1843 Continued.

	James G. Wilson Plff	On motion of Mr Seaman of counsel for the Plaintiff. It
130.	"v"	is now thereupon ordered by the
	Louis Rousseau Defr	Court that this cause be set

down for argument on the 25th instant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Thursday January 15th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
Alexander	Hunter Esqr	Marshal
William	Thomas Carroll	Clerk.

Proclamation being made the Court is opened.

The West Point Iron Co. Plff in Error	The argument of this cause was concluded by Mr Webster for the Plaintiff in Error.
by Joseph R. Underwood	
Hezekiah H. Graves Appellant	On motion of Mr May of Counsel for the appellee It is ordered by the Court that leave be and the same is hereby granted the Counsel of both parties
vs Thomas L. Parish	

Thursday January 15th 1846 Continued

respectively to submit this cause on printed arguments.

John A. Barry-Plff in Er " Mary Mercein Defdt	This cause having been called for argument and the Counsel appearing ready to proceed with the same. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of Court.

The United States - Appts " John C. McKenzie et al	The argument of this cause was commenced by Mr Attorney General for the appellants, continued by Messrs Brinley and Coles for the appellees, and concluded by Mr Attorney General for the appellant.

The United States Appts " Charles Lawton's Exrs et al	On motion of Mr Attorney General of Counsel for the appellants. It is ordered by the Court that Leave be and the same is hereby granted the Counsel of both parties respectively to submit this cause on printed arguments.

Thursday January 15th 1846 Continued

	Antoine Michaud vsl	The argument of this
77	To Appls	cause was commenced
	Mathe P. B. Genod, curator	by Mr Eustis for the
	Bargond & al	appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Friday January 11th 1845

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esqre Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Lepe It is ordered that Marvin F. Bird Lind Esqre of Michigan be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

John C. Paige - Plff in E.		In Error to the Circuit
	vs	Court of the United States
Martha A Lessee -		for the Southern District of
		Mississippi.

The cause came on to be heard on the trans-

Transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi, and was argued by Counsel. On Consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is and the same is hereby affirmed with Costs.

Pr. Mr. Jus. McLean

Joseph E. Foscroft Pltff in Er vs David Mallett	This cause was submitted to the Court on the record and printed arguments by Mr. Webb for the Plaintiff in Error and by Mr. Evans for the defendant in Error.

Ex parte: In the matter of Turner Dixon vs Joseph H. Miller	This cause was argued by Mr. George W. Brent for the relator and by Messrs Smith & Cox in support of the return of the Judges

Proclamation being made the Court is adjourned until Monday morning at eleven Oclock.

Monday January 19th 1846.

(Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	John McLean	Associate
	James M. Wayne	Justices
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

(Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Eustis it is ordered that Pierre Soulé Esquire of Louisiana be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly -

Joseph A. Balsen val		Err to the Circuit
168	vs	Court of the United States
Robert Halliday val		for the District of Louisiana
		Mr Eustis of Counsel

Monday January 19th 1846 Continued.

for the appellant a Rule having filed was read in open court the following certificate, to wit.—

Clerks office Circuit Court United States
Fifth Circuit and District of Louisiana

I Lucian L. Herman Clerk of the Circuit Court of the United States for the fifth Circuit and District of Louisiana do hereby certify that on the 23d day of January 1841 a final judgment or decree was rendered in the said Circuit Court in a suit wherein Robert Holliday, George Sinton, Cyprus Morgan, William L. Talbott, John R Brown John Parker William P Smith, Thos J Vanderslice Geo Benson Edward Clark Lewis Depeau Joseph Depeau Edward Bonzano, John Grey, William Smith, William Taylor James T Allen, Cyprus Lormant, Martin Reaper, John Perrin James B. Williams James B. Read John Miller John Hickey, Lewis Penn, Erasmus Norman Joseph Pratt, Jacob Baker, Moses Simmons Robert Cooper Ephraim Eldridge, Charles Tate, James Thayer John Holland John W. Winslow, William Ellis Charles Matthews Christoph Schultz William Sinton, Peter Robinson, David Johnston William Stevens, John Bayley, James Kelly, James Scott, and Hans Myers are Plaintiffs and Joseph N. Bolton James Lemon, Charles Thompson, Joseph Poyer, James Magan

Monday January 19th 1846. Continued

William Andrews Henry I Whitney Joshua H. Riddle, James & Malcolm Hammell Mr Asher & Wm Lovelace & Samuel P. Scott are Defendants, and that a writ of Error was granted by the Court aforesaid returnable to the Supreme Court of the United States on the second Monday of January Eighteen hundred and forty two. -

Witness my hand and the seal of the Court aforesaid this ninth day of June A.D. 1845.

Duncan N. Hennen Clk

and having stated that the Plaintiff in Error had altogether omitted to file the record of said case in this Court, or in any way to prosecute said writ of Error - Now here moved the Court in pursuance of the 43d rule of this Court to have this writ of Error docketed and dismissed. On Consideration Whereof It is now here ordered and adjudged by this Court that the writ of Error to the Circuit Court of the United States for the District of Louisiana be and the same is hereby docketed and dismissed with Costs and that this Cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in Conformity to Law and justice the said writ of Error notwithstanding. -

Pr Mr. Jno. McLean. -

Monday January 19th 1846 Continued

Ex parte In the matter of Turner Dyer vs Joseph H Miller	The argument of this case was concluded by Mr Lowe for the relator.

Proclamation being made the Court is adjourned until tomorrow morning at eleven oclock.

Tuesday January 21st 1806

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Hon'ble	John McLean	Associate
	James M. Wayne	Justices
	John McKinley	
	Samuel Nelson	
	Jno Catron	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is Open

36.	James Simpson for use &c. vs The West Chester Rail Road Company	In Error to the Circuit Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said

Court Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with instructions to award a venire facias de novo

Mr Justice McLean

Capt A. Garland, Jeffries &c.
vs
Wm M. Davis

In error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed and that this cause be and the same is hereby remanded to the said Circuit Court for such further proceedings to be had therein to conform to the opinion of this Court and the law and justice shall require.

Mr Justice Wayne.

Tuesday January 24th 1860 Continued

Louis Curtis, Claimant of 89 pieces of Wool & 61 pieces of Cassimere, Seized at Davis Broadbent & Co's	In error to the Circuit Court of the United States for the East ern District of Pennsylvania.
vs	
97. Wm Jeffs in &c. The United States	This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed. —
	per Mr. Justice Nelson.

Louis Curtis and Jorge Griswold Trustees of the Philadelphia Land Com pany.	In Error to the Court of Officials for the Territory of Florida.
vs	
15	This cause came on to
107. Duval F. Sims Executrix of Jonathan Robinson dec'd	be heard on the Transcript of the record from the Court of Officials for the Territory of Florida, and it appearing to this Court on the motion of Mr Benton of Counsel for the plaintiffs in error that the matters in con-

Tuesday January 21st 1840 Continued

Cause in this cause had been argued and this day the Justices of this Court pronounced their opinion and judged by this Court that this cause be and the same is hereby dismissed with costs

J. M. Lean M.C.C.

Wm Bowie & al Pltfs vs Ogden Smith & al Defts	This cause was submitted to the Court on a printed argument by Mr Bowie for the Appellees.
Nathan Mitchell & al vs Mad. F. & M. Bank & al	The argument of this cause was continued by Mr Scott for the Appellants.

Proclamation being made the Court is adjourned until 11 o'clock tomorrow morning.

Saturday January 21 1826.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	
	Isaac N. Morris	Associate
	John M'Kinley	Justices
	Samuel Nelson	
	Jesse Wentworth	

Thomas Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion of Mr Williams Counsel for the relator it is ordered that Conrad Vroom Esqre of Trenton be & he is hereby admitted to practice as Attorney and Counsellor of this Court and that he have a certificate thereof accordingly

The State Bank. Plff vs Febriele Hale	Writ of certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Michigan.

60.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Michigan and on the joint argument of counsel whereupon it is now here ordered by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs and that this cause be remanded to the said Circuit Court for the purpose of carrying this decree into execution. And it is further ordered by this Court that the writ of Error heretofore issued in this cause be and the same is hereby dismissed and that the Mortgage from Hale & Sun in the County of Wayne County and assigned to the Plaintiff in Error under the laws of Michigan in reference to Mortgages of real Estate in the County of Wayne within the limits of the City of Detroit. Whereupon it is now ordered and adjudged by this Court that it be so certified to the Circuit Court.

Pr. Mr. Jus. Woodbury

The United States appellants
v.
Wm. C. McClung, Stephen Campbell Lemmon, Executors of Robert Lemmon, deceased, Lessors of Lessee of Eliza Chisholm

On appeal from the Circuit Court of the United States for the District of Tennessee

This cause came

Wednesday January 21st 1846 Continued

on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Middle Tennessee and was argued by Counsel on consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed and annulled, and that this cause and the same is hereby remanded to the said Circuit Court with directions to dismiss the Bill of Complaint in this cause.

Per Mr. Just. McLean.

134	H. & C. Erskine et al vs Appts in Er Edward Anderson	On motion of Mr Crittenden for a writ of Supersedeas was argued by Mr Crittenden on Appts behalf and by Mr Grund in opposition to the motion
77	Solom Medard et al vs Appts Mrs. S. B. Ford &c	On argument of this cause was continued by Mr Lam of Counsel for the appellees

Proclamation being made the Court is adjourned until 11 o'clock tomorrow morning at 10 o'clock

Tuesday January 22nd 1816.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Council	John McLean	Associate
	James M. Mayne	Justices
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
Alexander Hunter Esquire		Recorder
William Thomas Carroll		Clerk

Proclamation being made the Court is opened.

On motion Jesse Wood Esquire is admitted to practice as an Attorney and Counsellor of this Court & takes the necessary Oaths.

Nathan Sheldon vs	The Judgment of this cause not
Jesse Wood	reversed by Mr Lewis for the Pl.
Mar. 25. Cont. vs	Judgment affirmed by Mr Carroll for the
	Defendant

Proclamation being made the Court is adjourned until tomorrow morning at 9 o'clock.

Friday January 23d 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	Peter V. Daniel	Chief Justice
	John McLean	
	Samuel M. Nelson	Assoc. Js.
	John Catron	
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
	Alexander Hunter Esquire	Marshal
	William Thomas Carroll	Clerk.

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr Calhoun It is ordered that G. C. Baker Esquire of Illinois be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court on this behalf by Mr Attorney General It is ordered that William Thomas Esquire of the District of

Columbia and Samuel Ward Esqrs of Philadelphia
Counsellors at Law were admitted members
of this Court and took their seats accordingly

Richard S. Coxe Esq. Plaintiff in Error vs Abraham Hasbrouck Defendant in Error	Error to the Court of Appeals for the County of Ulster This cause came on to be heard on the Transcript of the record from the Court of Appeals for the County of Ulster and was argued by Counsel for the Plaintiff in Error and the Defendant in Error On motion of Counsel for the Plaintiff in Error and by consent of Counsel for the Defendant in Error it is ordered that the Writ of Error in this cause be and the same is hereby dismissed with costs

Present The Hon. Chief Justice Taney.

James Whelan Esq. Plaintiff in Error vs The Commonwealth of Pennsylvania Defendant in Error	The argument of this cause was continued by Messrs Read and Hemmond for the Defendant in Error

Proclamation being made the Court adjourned until
to-morrow morning at 10 o'clock A.M.

Monday January 9th 1826

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honble	Jesse B. Thomas	Chief Justice
	John McLean	
	James H. Payne	
	John Catron	Assist. Justices
	Samuel Treat	
	Jesse Hardin	
Thomas Curtis Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is adjourned

On motion first made to the Court in this behalf by Mr Sargeant. It is ordered that Samuel Stevens Esquire of New York be admitted to Practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Wm C. Maclenan &	On consideration
Mc P. Perkins Plff in Er.	whereof it is the opinion of
154 v	this Court that there
Edmund Anderson	is no Error in the Record

of this Court be not in force the 9th section of the Act entitled "An Act to amend the Judiciary System of the United States" approved September 24th 1789 and the 34th section of the Act entitled "An Act to regulate the Process of the Courts of the United States" approved May 8th 1792 and the Rules of Practice prescribed by this Court in pursuance of the said Acts of Congress, and that the Writ of Error in this cause be dismissed with costs.

And on the motion of the Plaintiffs in Error by their Counsel for the reasons assigned by the Court in the foregoing opinion and decree, it is ordered that the Writ of Error in this cause be and the same is hereby

Monday Summons [illegible]

Thomas Libbey Esq. vs. John Lyons et al	The argument of this cause was continued by the Mutual consent of the Parties to the Supreme Court
16 D. Smith vs. Same Same Esq. vs. Noah Libbey et al	

Proclamation was made by the Court & Sheriff Simeon Cummings of Ohio Police

Present & adjournment of the Court of the
Circuit of the United
States

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	Samuel Nelson	
	Levi Woodbury	
Alexander Smith Esquire		Marshal
William Thomas Carroll		Clerk

Directions Time being and the Court is open

On motion first made to the Court viz
For behalf of the Government It is ordered that
Joseph S. Bennett Esquire of the New York and
Charles Bolton Esquire of Virginia
may be admitted to practice as Counsellors
Counsellors of this Court and they were accordingly
admitted Counsellors

1826

Tuesday January 3rd 1826 Continued

Ann Lawson vs Joseph Lawson Ad vs Petition for Ex. Divorce Bond Ord. Cruelty Same vs the same Hampton, Hon. Mary Hampton minor of Said Joseph Lawson & Hampton infant of the said Joseph Lawson an infant Hampton under the wife of John L. Manning.	In Court the Plaintiff came by her Solicitor & Counsel & the Defendant & Counsel But the matter of the Same is ordered from the Said Court of the State of

aforesaid for the Easton County Court to be Continued
by Consent & Defendant to pay Costs and
ordered and decreed by the Court that the mat-
ter of the said Appeal be remanded to the
Court of Appeals from the same & that the same be remanded to the said
Supreme Court for further proceedings to be had
therein in conformity to the Opinion of this Court
and that the Defendant pay the Costs of
this Appeal

Thomas N. Golden Adm. of John Golden dec'd & al 16 vs Compt Same vs Same Adm. of the Same Deceased	The matter of the motion continued & the Court Appointed for the Complainants

45	Thos Bryce &c &c Plaintiff &c	Defendants Petition dismissed with costs except as to the Bank for the defendants

Proclamation has not the Court is opened with Criminal business at Eleven o'clock

Wednesday January Term 1834

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Chief Justice	Mr Justice Story	Chief Justice
	Mr Justice Thompson	
	Mr Justice M Lean	Justice
	Mr Justice Baldwin	Justice
	Mr Justice Wayne	Justice
	Mr Justice Catron	Justice
	Mr Justice McKinley	
Mr Clerk	Mr Marshall	Marshal
Mr Taney Attorney General		

Proclamation being made the Court is opened

On motion ordered by the Court that Daniel Moore of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court on producing a certificate of his having been duly admitted

Daniel Moore Plaintiff in Error	In error to the Supreme Court of the United States for the Western District of Pennsylvania.
vs	
Daniel Eichholtz	

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the District of [illegible] and was argued by Counsel - On consideration whereof, It is now here ordered and adjudged by this Court that the Judgment of the said Circuit Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of Six per centum per annum.

Per Mr Justice Catron.

Samuel McPheeters Exr of John McPheeters dec'd Pltf	The argument of this cause was concluded by Mr Davis
vs	for the Defendants.
Nathaniel Hopkins &c	

Proclamation being made the Court proceeded until [illegible]

5330.

1

Murder Indictment &c. 1 vol

Pursuant to adjournment the Court met this morning at the usual hour

Present

M. Parrott	Peter B. Key	Chief Justice
	John McLean	
	James M. Mayson	
	John Calvin	Assoc. Js
	John McKinley	Justices
	Samuel Nelson	
	Jon Woodbury	
Theodore Sedgwick Esquire		Counsellor
William Thomas Carroll		Clerk

Proclamation having been made the Court is opened.

On motion of Theodore Sedgwick Esquire it is ordered that the Hon. Jon. Woodbury Esquire of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

United States Supreme Court
January Term A.D. 1846
William A. Graw

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the Record from the Circuit Court of the United States for the Southern District of Mississippi and on the point or question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof it is the Opinion of this Court that the plaintiff cannot in the present state of the pleadings and proceedings in this cause recover against the defendant the penalty of the bond in the declaration of said bill mentioned. Whereupon it is now ordered and adjudged by this Court that the said Circuit Court be so certified to the said Circuit Court.

Mr Justice McKinley

Mr Justice Wayne delivered a dissenting opinion in which Mr Justice Nelson & Mason concurred.

1832.

Tuesday January 3rd

Samuel Cranch	On motion of the Counsel of the United States for the District of Columbia it is ordered that the Clerk of this Court issue a Writ of Error to the Circuit Court for the County of Washington
vs	
Clifford	
Silvanus Preston	

It is ordered that the Record in the Cause of the Bank for the District of Columbia vs Clifford & Preston a Writ of Error to the Circuit Court for the County of Washington and was argued by Counsel. On consideration whereof It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per Centum per annum.

Dr Chr. Jno. Bodon.

Charles Wilson use	On motion of the relator and on this day the U. S.
vs	Court of Counsel for the
Edmund Laines & ux	Counsel for the Defendants attended. It is ordered by the Court this cause be set down for argument and at the present term if it be reached in the regular order of business.

Tuesday January 25th 1876. Continued.

2 Clerk & Clerk attend-	Recommitted to the
ance to	married by Mr Pendleton for his
the Clerk of Indictments	[illegible]

[illegible]

Common Pleas at Nine o'Clock

Friday January 30th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present.—

	Hon. R. B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	John McKinley	
	Samuel Nelson	
	Levi Woodbury	
Thomas	Hunter Esquire	Marshal
William	Brent Esquire	Clerk

Proclamation being made the Court is opened.—

On motion first made to the Court on this day by Mr. Pleasant. It is ordered that Joseph P. Caldwell Esqr. of Charlotte be admitted to practice as an Attorney and Counsellor of this Court and he was duly admitted accordingly

On motion first made to the Court this day by Mr. Whipple. It is ordered that Chas. Tilghman Robinson and Lloyd Bennett Esquires

of the Court to consider the [illegible] on the [illegible] of the Court and they were discussed [illegible]

[illegible] Pltff & Co v The City of Dublin.	Mr Choate of Counsel for the Pltff in error having stated that this cause involved a question of [illegible] not discussed in No 39 moved the Court for leave to argue it now at the present Term. On consideration whereof it is now here ordered by the Court that the leave prayed for be and the same is hereby granted.

[illegible] Pltff in Er v [illegible] Def't	On motion of Mr Evans of Counsel for the Pltff in Er and [illegible] of Counsel for the Pltff in Er It is now here ordered by the Court that this cause be and the same is hereby continued to the next Term.

Friday January 5th 1776 Continued

Justices of Rhode Island & Providence Plantations & Colony of Massachusetts	Petitions from Rhode Island continued by Mr. Randolph for the Assistance.

Proclamation being made the Court is adjourned until Monday morning 8 O'Clock

Monday January [illegible]

Present [illegible]

Grant

[illegible]	[illegible]	[illegible]
		[illegible]
Alexander Porter Morse Esqr		
Walter Penn Clarke Esqr		

[illegible]

The United States of America v Gordon C. Bayl	Completion of Mr Henderson of Counsel for the Defendant on Oath and with the consent of the Attorney General of Counsel for the Plaintiffs in Error

[illegible]

Circuit Court of the United States

The United States vs Bond Conveyance	
James C. Wilson vs Same Defendant	

Proclamation

Present

Alexander Hunter Esquire Guardian
William Thomas Carroll Clerk

Admission of Counsel

On motion ordered that Samuel R. Reid Jr. Esquire of Louisiana be admitted to practice as an Attorney and Counsellor of this Court and do take the usual oath.

On motion ordered that Richard Biddle Esquire of Pennsylvania be admitted to practice as an Attorney and Counsellor

Motion to dismiss Appeal continued

of the Court and the same be dismissed with costs.

On motion ordered that the Court do now stand adjourned to the Second Monday of September next to meet at the Court House in the Village of Hudson in the County of Columbia.

Supreme Court Court of Errors Fall Term 1844 Appeal from Ch. vs. Court of Chancery	In the Court for the Correction of Errors of the State of New York for the Eastern District of Appeals

This cause came on to be heard on the transcript of the record from the Court of Chancery and was argued by Counsel. On consideration whereof it is ordered and adjudged by this Court that the decretal order of the said Court of Chancery in this cause be and the same is hereby affirmed with Costs.

For the Court

31	[illegible]	[illegible]

[illegible]

Wednesday January 2nd 1811

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	[illegible]	
	[illegible]	
	[illegible]	
	[illegible]	Associate
	[illegible]	Justices
	[illegible]	
	Levi Woodbury	

Alexander Smith Esqr Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion [illegible] was admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

[illegible]	In appeal from the Circuit Court of the United States for the District of West Tennessee.
63 [illegible]	
Peter Smith et al	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of West Tennessee and was argued by counsel. On consideration whereof, it is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

Mr. Justice McLean

Benjamin C. Eaton	In Error to the Circuit
64 vs. [illegible]	Court of the United States
James Nelson	for the Northern District
	of Indiana.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Northern District of Indiana and was argued by Counsel. On consideration whereof, it is now here ordered and decreed by this Court that the [illegible]

Wednesday February 1st 1854 continued

of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.

Per Curiam

Chief Justice Durfee did not sit in the case. Mr. Justice Brayton was not present when the cause was heard. Mr. Justice Bradley was absent.

The State of Rhode Island v. } In Eq. The State of Massachusetts	The argument of this cause was continued by the Attorney General for the Complainant.

Proclamation was made by the Court and adjourned until Tomorrow morning at Eleven o'Clock

Present

The Honble [illegible] Chief Justice
[illegible]
[illegible]
[illegible] Assistant
[illegible] Justices
[illegible]
[illegible]
[illegible] Sheriff
William [illegible] Clerk

Proclamation for Jury made the Court is adjourned.

On motion [illegible] ordered that [illegible] be admitted to practice as Attorneys and Counsellors of this Court and have their Certificates accordingly.

On motion [illegible] ordered that [illegible] be admitted to practice as Attorneys and Counsellors of this Court and have their Certificates accordingly.

Tuesday February 2d 1841 Continued

to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Supreme Court of Mississippi vs. C.	Cause submitted to the Court on the record & printed argument by Mr Barton for the plaintiff in error
The United States &c. vs. Charles Lawton Exr &c	Cause submitted to the Court on the record & printed argument by Mr Atty Genl for the appellant.
Postmaster of United States vs. Postmaster of Kennebunk	Decree of this Court reversed with costs for the appellant.

Ordered that this Court do adjourn until Tomorrow morning at Eleven o'clock.

Friday January 6th 1826

Pursuant to adjournment the Court met this day at the Capitol

Present

The Hon. [illegible]	[illegible]	[illegible]
The Hon. [illegible]	[illegible]	
	[illegible]	
	[illegible]	Associate
	[illegible]	Justices
	[illegible]	
	[illegible]	
Thomas [illegible]	Esqr.	Attorney
William Thomas Carroll		Clerk

Proclamation being made the Court is opened

On motion of Mr. [illegible] of Md. it is ordered that Charles Pinckney Esqr. of Connecticut and John R. Bachell Esqr. of New York be admitted to practice as Attorneys and Counsellors of this Court & they are severally sworn accordingly.

Elizabeth Mattox [illegible]	It is now here ordered by
v.	the Court that the com-
[illegible]	plainant recover against
Same [illegible]	the defendant [illegible]

Friday February 2nd 1838

of this Court and that it [illegible]

John F. Bass - Pltff in Er.	Mr. Lunt moves the Court
vs	to dismiss the writ of Error
Mary Mercein Def	in this cause for the reason
	that no final judgment

the 36th rule of Court and for leave to argue the same at the present term of the Court. Whereupon this Court not being sufficiently advised of and concerning the premises took time to consider

The State of Rhode Island	The argument of this cause
vs.	is continued to the first
The City of Providence	Monday in the ensuing

Term of this Court

Proclamation being made the Court adjourned

until Tuesday morning at Eleven o'Clock

Monday February 6th 1826

Present

[illegible]	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]

[illegible]

[illegible]	On consideration of the motion made in this cause by Mr. Berry on Friday the 5th instant. It is ordered by the Court that said motion be and the same is hereby [illegible]
[illegible]	
[illegible]	

1851

Monday February 10th 1851 Continued

The State of Rhode Island	The argument of this cause
vs. No. Contempt.	now continued by Mr Mahler
The State of Massachusetts	for the defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

Tuesday January 1st 1811

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John M.Pherson
James McMahon
John Eaton
John McKinley
Samuel Nelson &
Jno Wickham

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on Tuesday by Mr Eaty. It is ordered that William J. Hall and Samuel Orrill Esqrs of Nelson be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

On motion just made to the Court on the behalf of John Little Esqr It is ordered that Alexander Lawrence Esquire of New York be admitted

Insolvent Debtors No 116 Continued

To practice as an Attorney and Counsellor of this Court until the next Term commences

In the Case of Peter Stewart	The argument of this case was continued by Mr. Whipple for the Petitioner
In the Case of Wm Whitehead	

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock

Wednesday January 11th 1826

Pursuant to agreement the Court met this morning at the Capitol

Present

The Honorable	John M'Lean	
	Joseph Story	
	Smith Thompson	Justices
	John M'Kinley	
	Samuel Nelson	
	Gabriel Duvall	
	Alexander Hunter Esquire	Marshal
	William Griffith	Clerk

Proclamation being made the Court is adjourned.

The State of New Hampshire vs The State of Massachusetts	The argument of this cause was concluded by Mr Whipple for the Complainant
Daniel L Miller et al vs Isaac Norris et al	The argument of this cause was continued by Mr Mercer for the Defendants.

Proclamation being made the Court adjourned until Tomorrow morning at Eleven O'Clock

Thursday January 23rd 1851.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable John McLean
Levi Woodbury
John McKinley
Samuel Nelson
Benjamin R. Curtis
William Thomas Carroll Clerk

Associate Justices

Ordered that the following cases be called.

James Buchanan Attorney of the State of Texas Plaintiff in Error vs. The United States Defendant in Error

No. 25

The United States

Appeal from the District Court of the United States for the Eastern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Pennsylvania and was argued by Counsel. On consideration whereof it is now

rendered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed.-

Pr. Mr. Justice Wayne

James C. Wilson. Plff.	The argument of this cause was
130 vs	continued by Mr Stiens for the
Louis Rousseau et al	defendants.

Proclamation being made the court is adjourned until tomorrow morning at 10 o'clock A.M.

Pursuant to adjournment the Court met this morning at 10 o'clock

Present

The Honorable John McLean
James M. Wayne
John Catron
John McKinley
Samuel Nelson &
Jno Mclean

Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court on the behalf of Mr Evans It is ordered that Franklin A. Minor Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court on the behalf of Mr Evans It is ordered that Frederick Allen Esquire of Maine be admitted to practice as an Attorney and Counsellor of this Court

and the same continued

John Dean &	On motion of Mr Allen of Counsel
35 vs	for the Appellee and with the
Joseph A Dean	assent of Mr Grand of Counsel for
	the Appellant It is

ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

James L Nelson Adm	This cause this day
180 vs	continued by Mr Allen for
Lewis Penseau Adt	the defendants and on
	motion for the plaintiff

John C Rose &	Mr Allen of Counsel for the
37 vs Appeal	Appellee in this cause having
Joseph H Page	filed and read in open Court
	the following Suggestion of
	the [illegible] of the [illegible]
	the cause, to wit On motion of the first,
	second third and fourth accounts of Hannah Page
	admx of John C Page deceased and allowed
	and settled in the Probate Court for the County
	of Dearborn in the State of Indiana [illegible]

Friday January 8th 1841 Continued

[illegible] to be directed to the Judges of the said Circuit Court commanding them that assuming the record and proceedings of the said Court in this cause to be [illegible] they do cause further proceedings to be had thereon to be done according to right and justice and the laws of the United States should of right and according to the usage of Courts ought to be done. Whereupon it is now ordered and adjudged by this Court that the writ of error aforesaid be and the same is hereby awarded to be issued forthwith and to be directed to the Judges of the said Circuit Court commanding them that assuming the record and proceedings aforesaid to be [illegible] they do cause further proceedings to be had in this cause as according to right and justice and the laws of the United States ought to be done and that the same writ be [illegible] to the Court here

[illegible]

Present The Same Judges as on the first day of the present Term

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Circuit Court U.S. 1846

Pursuant to ... the Court ... the ... of the ... Court

Present

...

Alexander Hunter Esquire Marshal

William Thomas Carroll Esq.

...

...	... the Court on the record and ...
...	...

...

1861

Circuit Court continued

11	[illegible] vs Wm H. Willard et al.	[illegible]

[illegible] in Court and by Counsel [illegible]

12	Samuel Wilson Jr vs Jno Ingram et al	[illegible]

[illegible]

Indian Tribunal Vol. Continued

115.	Indian Nations vs. Ephraim Lewis.	Recommend that the case be dismissed for want of jurisdiction.

Declaration has not been served

Richmond County to wit

Pursuant to adjournment the Justices of the Court

Present

Present	Wm B. Tom	Esqr Justice
	Edw A Lee	
	Saml A Mayo	
	Jas Cox	Esqrs
	Jno M Hunter	Justices
	Jno Sims	
	Jno Mountjoy	

Thomas Hunt Esqr Sheriff
William Smith Clerk

Proclamation being made by the Crier

On motion leave is granted to the Court in this County to build a Jail and that Wm B. Tom Esqr one of the Justices of this County be appointed a Commissioner on the part of this Court to contract for the building of the same.

Wednesday January 1st 1868

11	Louisa Dickson and [illegible] Lord & Wife	Be it remembered that on this day before me Richard Dickson Esq. One of the Justices of the Peace for the County of Kent personally came

Louisa Dickson [illegible] Lord & Wife

Be it remembered that on this day before me Richard Dickson Esq. One of the Justices of the Peace for the County of Kent personally came

Sunday January 19th 1840

Divine Service in the Court House

Present

Dr Powell	Hon Judge	Chief Justice
	Mr Allen	
	James K Magee	
	Mr Coker	Assistant
	James Mills	Justices
	Mr Maddox	
Marshal	Mr Capers	Present
William Powell	Esqr	Clerk

Proclamation for opening the Court of Equity

Judge Johnston	Proclamation for opening the Court of Equity
Mr Allen	
James K Allen	

Proclamation for opening the Court of Magistrates and Freeholders for the District of Abbeville

Friday February 20th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Justices	Hon. J. Catron	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
Alexander Hunter Esquire		Marshal
William [illegible]		Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this case by Mr Thomas Ewing, It is ordered that Hon. James B. Ryan be Agent of Indiana to prosecute & prefer in the Name and behalf of this Court and to act therein accordingly.

John McLean. Appellee	Mr Meredith of Counsel for the Plaintiff in Error in this cause moves the Court for leave to file
vs	
Samuel Williamson et al	

No 8 Dec 1845

Order Book ... Continued ...

from the file of the Office [illegible] and
[illegible] the same was ordered to be filed. [illegible]
[illegible] of the proceedings. Whereupon [illegible]
it is ordered by the Court that the Clerk inform
the said Counsel that he may take said Record paper or
copy thereof from the files of the Office as he
may see fit but that the said Papers must still remain
with the Record.

Daniel Phelan, Appellant &c.	In error to the General Court
To	of Virginia.
The Commonwealth of Virginia	

This cause came on to be heard on the transcript of the record from the General
Court of Virginia, and was argued by Mr. [illegible] of
Counsel for the plaintiff in Error, during which time
[illegible] has ceased or ceased on the Appellee. On
Consideration whereof the same is adjudged by this Court that
the said Judgment be and the same is hereby reversed and
annulled as to the plaintiff in Error and that this cause be
and the same is hereby remanded to the said General
Court to be proceeded on according to law and justice.

[illegible] Pro. Cur. Test: Lange.

Orders Continued

United States vs William D. Lind	Counsel for the defendant in this cause having filed his Petition for the appointment of Counsel for the defendant in this cause to move this Court for an order to make the personal representation of said Lind a party to this cause. On consideration thereof, It is ordered by the Court that upon the application of the said William D. Lind, deceased, shall file his appearance and answer or plea to the bill of the complainant on or before the first Monday of the ensuing Term of this Court, the appellee shall be entitled to have this appeal dismissed. Provided that a copy of this order be published according to the requirements of the rules of this Court.
United States, complainants vs The United States	On motion of the Attorney General of Counsel for the defendants in Error, It is ordered by this Court that the Clerk do forthwith issue a mandate in this cause.

45.	Lewis Bender et al vs Appt in Er. The United States	Motion of Mr Wirt one of Counsel for the defendants in Error. It is now here ordered by the Court that the Clerk do forthwith issue a mandate in this cause.

115.	Andrew P. Simpson et al ads Dft James L. Wilson	The argument of this cause was continued by Mr. Wirt on behalf of the defendants

Proclamation being made the Court adjourned until tomorrow morning at 10 o'clock A. M.

Circuit Court 1856.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	John Campbell	
	Nathan Clifford	

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Matilda Lee, plaintiff in Error v. The State of Ohio	On motion of Mr. Stanton of Counsel for the plaintiff in error the writ of error in this cause is ordered by the Court to be dismissed and the same is hereby dismissed at the cost of this Court.

The Answer of the said Defendant [illegible]	Exceptions to the Answer of the said Defendant to the Bill of Complaint of the Plaintiffs [illegible]

[illegible]

Samuel C Atkins [illegible] vs Joseph Evans & wife	The Answer of the said Defendant by Mr Wright for the Defendant Evans and [illegible] by the Defendant [illegible]

[illegible]

Pursuant to adjournment the Court met this morning at the Capitol

Present

His Excellency	Hon. B. Lewis	Chief Justice
	Hon. M. Dean	
	Hon. S. A. Wise	Associate
	Hon. Chas. Tabb	Justices
	Hon. Samuel Taylor	
	Hon. M. Cochran	
Thomas Curtis Esqr.		Sheriff
William Samuel Garrett		Clerk

Proclamation being made the Court is opened

The Superintendent Board of Public Works	In case of the Board of the Penitentiary for the Eastern District of Virginia
vs.	
Charles Lee & Another	
Motion Refused	

The case came on to be heard on the Bill and Answer and Exhibits of the Complainants and the Answer of the Defendants and was argued by Counsel. On consideration whereof It is ordered that

ordered by the Court that the judgment of the last Court Day in this cause be now the same is hereby confirmed and

It is ordered accordingly

28	Samuel C Wilson appellant v. Sarah Sumner & al appellees	The argument of this cause was continued by the Solicitor for the appellant and concluded by the Attorney for the appellees
29	William Meredith appellant v. Samuel Wilson appellee	The argument of this cause was commenced by the Solicitor for the appellant

Proclamation being made the Court adjourned until tomorrow morning at Eleven o'clock

Wednesday January 23 1856

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Tyler B. Swan	Chief Justice
	Silas McClain	
	Samuel H. Mayes	Associate
	Silas Colbert	Associate
	Samuel Sibley	
	Lee Matthews	
	Thomas Cook Upham	Attorney
	William Thomas Carroll	Clerk

Proclamation being made the Court is Open

Samuel Kercheval Esq and	This cause was further
[illegible] Esq as	submitted to the Court
Talbert & Curtis	on an printed argument
	by the Bar of Counsel

for the Complainant in Error

20	Mathew Wm Hill [illegible] [illegible] [illegible]

Tuesday January 8th 1861

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Wm B Lacy	Chief Justice
	John A Rutherford	
	Samuel A Swann	
	John Baldwin	Associate
	Samuel Powell	Justices
	Jno M Dickinson	
	Wm A Graham Esqr	Attorney
	William Thomas Carroll	Clerk

Bill in relation being made the order of the day

Samuel Garrett vs Samuel Lee	Bill to have a deed for land set aside from the files of the Office and the original deed to be made a part of the record of this cause and to be delivered to the Solicitor of the complainant to be used on the hearing of the cause and otherwise as the Court may direct. On motion it is ordered by the Court that the said bill be taken as confessed as against the defendant Samuel Lee upon his failing to enter his appearance in the Office according to the rules of this Court and that the bill be

Counsel ordered to be called in & the Clerk
did so & the Counsel for the Petitioners
& the Counsel for the Respondents
with the Counsel for the Petitioners
& the Counsel for the Respondents
& the Counsel for the Petitioners
& the Counsel for the Respondents

The Master of the Rolls & Vice Chancellor	Petitions of the Parties entitled to the Court are finished read by Mr. Pulsford for the Petitioners
Mr. Master of the & Vice Chancellor	Judgment of the was ordered by the Court for the Petitioners

Counsel for the Petitioners moved the Court that the Petitioners
& the Petitioners & the Petitioners & the Petitioners

Friday January 27th 1832

Present

The Honorable	Roger B Taney	Chief Justice
	John McLean	
	Joseph Story	
	Smith Thompson	Associate
	Samuel Nelson &	Justices
	Levi Woodbury	
Richard Peters Esquire		Marshal
William Thomas Carroll Esquire		Clerk

Proclamation having been made the Court is adjourned

The motion of Mr Hall was made to the Court pro hac vice by Mr Hall. It is ordered that Charles C. Nott Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he took the oaths accordingly

James Lawrence Appellant & C.	The Mail of Lawrence for the Appellant in Error moved the Court to dismiss the writ of Error for want of
v.	
Samuel Swan	

[illegible]	The argument of this cause was concluded by Mr Shepherd for the appellant
Lord [illegible]	On motion of Mr Merivale of Counsel for the defendants leave is hereby granted him to conclude this argument on the next sitting day
Abraham [illegible]	On motion of Mr Serjeant of Counsel for the appellants leave is hereby granted him to conclude this argument on the next sitting day

Each counsel having made his final argument until Tuesday morning at 10 o'clock

Monday March 3rd 1856

Present & adjourned the court met the morning at the Capitol

Present-

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	James Nelson	
	John Mc Kinley	
	Edward Carrington Esquire	Marshal
	William Thomas Carroll Esquire	Clerk

Proclamation being made the Court is opened-

On motion first made to the court in this behalf by Mr Randall It is ordered that Henry Ives Esq of Boston be admitted counsellor at law in this court & thereupon he was sworn accordingly

On motion first made to this court in this behalf by Mr Mallett It is ordered that Samuel Hempstead Esq of New York be admitted counsellor at law in this court and he was sworn accordingly-

Monday March 25th 1844 continued

1	Lucius P. Langdon et al vs Isaac L. Wise	The amount of the recovery enclosed by the Marshall for the defendant
2	The United States vs Nathan A. Ryan	The same verdict as in No. 1 Thomas Ewing for the defendant
3	Martha Lamb vs Sebastian Jarrett	The court being fully satisfied from the testimony in the case that the defendant is guilty as charged in the indictment and the jury having rendered a verdict to that effect it is therefore considered by the court that the defendant be confined in the penitentiary of the District of Columbia for the term of three years

Proclamation being made the court is adjourned until tomorrow morning at 10 o'clock A.M.

1811

Tuesday March 5th 1811

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Joseph Story	
	Gabriel Duvall	Associate
	Smith Thompson	Justices
	Henry Brockholst Livingston	
Stephen Cullen Carlton		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court adjourned

Tuesday March 12th 1811

On motion filed made to the Court on this day by Mr Wirt Counsel for the Plaintiff Leonidas Mann Clayton of Connecticut a Rule was made by the Court on Thomas Mann and Cornelius Comstock that cause be shown accordingly

Mann Smith Ad Dois vs Ejectment Samuel Bronson	In the Circuit Court of the United States for the District of Columbia

78

Tuesday March 3rd 1846 Continued

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri and was argued by Counsel On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause in the said transcript mentioned be and the same is hereby affirmed with costs

Per Mr Justice Wayne

Archibald Gordon appellant
vs
Richard M. Pettus

In Error to the Supreme Court of the State of Missouri

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Missouri and was argued by Counsel On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause in the said transcript mentioned be and the same is hereby affirmed with costs and that this cause be and the same is hereby remanded to the said Supreme Court with instructions that that Court do remand the same to the Circuit Court of Missouri County in the State aforesaid for the purpose of having the same proceeded in

opinion of this Court in this case and in the case of Ex Parte Bramell decided at the present Term as to law and justice shall appertain

for the Ist Calc

Joseph C. Fairfield Appellant vs Daniel Mallett	In Error to the District Court of the U States for the District of Maine.

This cause came to be heard on the transcript of the record from the District Court of the United States for the District of Maine and was argued by Counsel. On consideration whereof It is now ordered and adjudged by this Court that the judgment of the District Court in this cause be and the same is hereby affirmed with costs

for the Ist Circuit

Edward Bradford Appellant vs John M Williams Executor &c.	In Error to the Court of Chancery of the Territory of Wisconsin

This cause came on to be heard on the transcript of the record of the Court of Chancery of the Territory of Wisconsin and was argued by Counsel On consideration whereof

It is therefore considered by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed and it is ordered that the appellee recover against the appellant his costs by him about his suit in this behalf expended and have execution therefor in the said Court of Appeals.

The Judge &c. of the Circuit Court of Jefferson County, Plaintiff in Error,

vs.

Robert W. Williams, Defendant in Error.

In error to the Court of Appeals of the District of Western Virginia.

This cause came on to be heard on the transcript of the record of the Court of Appeals of the State of Virginia, and was argued by Counsel. On consideration whereof, it is adjudged by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.

The Mayor Recorder and Aldermen of the City of Richmond, Plaintiffs in Error,

vs.

James Dunn, Defendant in Error.

In error to the Court of Appeals of the District of Western Virginia.

This cause came on to be heard on the transcript of the record of the said Court of Appeals, and was argued by Counsel. On consideration whereof, it is adjudged by this Court that the judgment of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum.

Number Lands Sold and Entered

Subpoena

Bill in Equity

Wednesday March 1st 1848 continued

Court that the Bill of Complaint be and the same is hereby dismissed

for the Law of Case

Thomas Hopkins Exr of John Hopkins dec'd on relation &c. vs.	On motion of Mr Scott of Counsel for the Complt by Mr Scott one of the Solrs of this Court it is ordered that the Complt have leave to enter a Writ of Error to the Supreme Court of the United States

This cause came on to be heard on the record from the Circuit Court of the United States for the District of Columbia and was argued by Counsel - On consideration whereof it is the opinion of this Court that the decree rendered in this cause by the said Circuit Court on the 15th day of December 1846 be and the same is hereby affirmed with costs and that the appellee recover against the appellant his costs by him in this behalf expended and have execution therefor in due form of law

Habeas Corpus ad subjiciendum

Order of Court

Withdrawn Cases from the Docket Continued

48.	The United States plff in Er vs Gordon D. Doyle et al	This cause was submitted to be heard on the record and further argument by the Attorneys of record for the plaintiff in Error and for the Defendants in Error
79.	Alexandria Circuit Court plff in Er vs Forrest Swann	No argument of this cause was ordered by the Court for the plaintiff in Error
77.	Sidney Kendrick et al plff in Er vs Mark P. Bland et al Sargent et al	On appeal from the Circuit Court of the United States for the Eastern District of Virginia This cause was submitted to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Virginia and was argued by Counsel whereupon it is ordered by the Court 1st That the plaintiffs in error in this cause [illegible]

were conveyed by the said Nicolas Lewis at the first time of sale from the conveyance to the first [illegible]

3d That for the further purpose of carrying the said decree into execution the said Circuit Court Commissioner should direct either a sale of the said property both real and personal at such time and manner as said Court shall see fit, or such of said property as may be sufficient to pay the said debt and costs, as the said Circuit Court should direct either a sale of the said property both real and personal at such time and manner as said Court shall see fit, or such of said property as may be sufficient to pay the said debt and costs as the said Court should direct and that in either case the said Court should direct all the further conveyances to be made accordingly.

4th That the property, of which unadivided portions or the equity of redemption of the plaintiffs are aforesaid, is all the property and slaves which were [illegible] in the possession of Nicholas Lewis deceased at the time of his death belonging to his estate and all the [illegible] and increase of the slaves of said deceased at said time, and [illegible] the [illegible] of the life of [illegible] and [illegible] the property [illegible] and excepting [illegible] the [illegible] [illegible] from the estate of [illegible] Lewis and

in accordance to Judicial Sales by the laws of Louisiana, by an act of Compromise executed on the 29th day of March 1823, and also the house and lot situated on the corner of St. Louis and Charles Streets, in Municipal No. 1. of the City of New Orleans.

5th That the adjudication made in the parish Court of the parish of Orleans in the year 1815 in favor of Nicholas Girod for $30.000 and claimed by the said Nicholas in the account filed in the Court of Probates of Nicholas Girod vs. Jean Blanchard Girod in May 1817 be set aside, and instead thereof that the representatives of said Nicholas Girod be allowed in the settlement of the accounts by the master in this cause the sum of $ 6.876.50 with interest thereon at the rate of five per cent per annum from the 1st day of August 1813.

6th That the two acquittances and releases given in 1817, by the plaintiffs, Madame Tolaine and Madame Pierpont to Jean Blanchard Girod, be set aside, and be allowed no other force or effect, than an acknowledgment of the receipt of the sum of $ 10.000 grand Vs, exceeding by $ the sum of $ 3.123.15 and $ 1.903.15 in the currency of the United States, and that in case possible that the said Jean Blanchard Girod be declared from

Wednesday June 1st 1814 continued

[illegible] by Nicolas Grou & the Female Orphan Asylum
[illegible] at the corner of Charles and St Louis Streets, and the
property in Faubourg St Mary now called the second
municipality, from the application of 1811, and of the sale
[illegible] to the [illegible] of that part of the
land from the [illegible] to the [illegible]
Faubourg St Mary, or Second Municipality, All which
proceeds of said sales to John B. Miller, the rents and profits
thereon are to be charged at the rate of 8 per cent per annum
stipulated in the lease to said Miller.

5th And the said master shall credit the estate of the
late Nicolas Grou in said account, with the amount with
which said executors credited themselves in their account
of 21st May 1817 with interest thereon, except the
claim of $ 10,218 in favor of which this court have directed
the allowance of $ 3,376.10 per, being one of the items of the
[illegible] against Estimate Francois Grou of the [illegible]
[illegible] and the said Nicolas Grou
shall be credited with any payments that [illegible]
[illegible] amount of [illegible] to the said
Estate [illegible] and the said

Administrators Sales Continued

the said Nicholas Girod, shall be credited with one
[illegible] of the rents and profits of the plantation and slaves
[illegible] and the said Nicholas Girod
said his interest in the same to Nicholas Girod. And the
[illegible] shall also credit the estate of the said
[illegible] Girod in the sum of [illegible]
by the said Nicholas in permanent improvements made
in pursuance of or upon any part of the estate of Claude
Francois Girod, including improvements of the property
[illegible] the [illegible] of the said
[illegible] and [illegible]
by an act of Compromise executed on the 29th March
1823, and the expenses and costs specified by him in pa-
[illegible] also improvements on the tract the corner of Ste
Genie and Chartres Streets, and with improvements on
[illegible] Esplanade Street, deducting from them
last the value of the labor of the slaves on the said plan-
[illegible] and of the
materials procured from the same. And the executor
[illegible] Nicholas, shall be allowed with interest from
[illegible] the time of the
[illegible] the time of the
[illegible] that the same

[illegible] - And allowance is also to be made to the Estate of the Nicholas for all Taxes paid on the Succession of [illegible]. And the said Master is hereby authorized, in the discovery of the matters aforesaid to receive from the parties upon oath, books and papers and writings as the [illegible] and from all other persons as the [illegible] and the Master is to report to the Court the matters in this matter being given to the parties a time to [illegible] and the report made thereupon and the costs of the proceedings in this matter shall be paid according to the [illegible] Court of Chancery here, and the Master shall be paid for his attendance on the [illegible] to which the Master's report may present exceptions [illegible] the debts testamentary expenses of Nicholas Lord and of the funds of said Estate, in preference to any legacies under the will of said Nicholas Lord. And for the better discovery of matters aforesaid, the parties are to produce before the said Master all deeds, books, papers and writings in their custody or power, relating thereto, as the said Master shall direct. And the said Master shall [illegible]

Mississippi Land Co. vs. Tarbell

and

Wm. Shall any other person or persons not now parties to the said suit claiming title to the premises in controversy or to any part thereof, should be advised by counsel that they ought to be made parties to the said suit, and should apply by petition for that purpose, they shall be at liberty so to do, and the same shall be heard and determined by the Court at the next term thereof after the filing of such petition, and process shall issue thereon, and be served on the parties in possession, in such manner as the Court shall direct, and the said petitioners shall be bound by the proceedings in this suit, unless they shall within the first three days of the next term of this Court after the service of such process, file their petition and enter into bond with security, to be approved by the Clerk of this Court, conditioned to prosecute their claim with effect, and without delay; and in default thereof, the Court may proceed to hear and determine the cause, as to the parties thereto, in the absence of such petitioners.

And be it further ordained and decreed by the authority aforesaid, that the Complainants in this cause, shall have and recover of the said defendants, the costs by them in this behalf expended, and that they have execution therefor.

And be it further ordained and decreed by the authority aforesaid, that the Complainants in this cause, shall have and recover of the said defendants, the costs by them in this behalf expended, and that they have execution therefor.

And be it further ordained and decreed by the authority aforesaid, that so much of the decree of the said Circuit Court as confirms the decree of the Court of Claims of the State of Mississippi be and the same is hereby affirmed. And that this mandate be and the same is hereby remanded to the said Circuit Court with directions to allow any person or persons not now parties to the said suit, who may claim any portion of the premises in controversy, to become parties to the said suit, to assert their claims and make due proof thereof, and for such further proceedings to be had therein, as may be in conformity to the decree of this Court and the true intent and meaning thereof.

And be it further ordained and decreed by the authority aforesaid, that the Complainants in this cause, shall have and recover of the said defendants, the costs by them in this behalf expended, and that they have execution therefor.

Tuesday March 5th 1816.

Present

Thomas Tucker Esqr. Mayor
William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion of Mr Ward for an Exemplification of the Judges of the Circuit Court of the United States for the District of Columbia.

On consideration of the

West River Bridge Co. vs. Dix et al.	Appeal from the District Court of the Parish of Jefferson.
West Bank Bridge Co. vs. Dix et al.	Appeal from the District Court of the Parish of Jefferson.
Mississippi Bridge Co. vs. Dix et al.	Appeal from the District Court of the Parish of Jefferson.

Decided that the Judgment of the District Court in each of the above entitled cases be affirmed with costs.

Saturday March 7th 1846

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	John Catron	Associate
	Samuel Nelson	Justices
	Levi Woodbury	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation having been made the Court was opened.

On motion ordered by the Court that the Rule heretofore made on Saturday the 7th day of February instant requiring the Counsel in all cases on the docket of this Court to file their printed arguments on or before the first day of the present term be and the same is hereby rescinded.

Motion for leave to file a Bill of Complaint	Motion of Mr. Key of Counsel for the Plaintiff for leave to

Saturday March 2nd continued

ordered by the Court that the said Jane do submit to
[illegible] of the next Term, when the Court will decide the
said Petition further in a summary way, and that this cause
the same is hereby continued to the next Term.

Proclamation being made the Court is adjourned
until Monday next at 10 o'clock

Monday March 9th 1801

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John B. Colvin	Chief Justice
	John McLean	
	John Catron	Associate Justice
	[illegible]	[illegible]
	Levi Woodbury	

Alexander Hamilton Esquire Marshal
William [illegible] Clerk

Proclamation being made the Court is [illegible]

On motion first made to the Court in this behalf by Mr. William Emmett [illegible] that Charles Lee Esquire of the City of Washington Esquire of Virginia be admitted to practice as Attorney and Counsellor of this Court and they were severally sworn accordingly.

On motion first made to the Court in this behalf by Mr. Mercer it was ordered that Charles H. Carroll Esquire of Washington City be admitted to practice as an Attorney and Counsellor of this

Judson V. Lockett Lockett Dayd & Al vs Jno C. Wilson Compt	On motion of ... ... & on the Transcript of the Record of the proceedings of the District Court of the United States for the District of Louisiana

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Louisiana and on the points and cases on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof it is the opinion of this Court

1st That by the ... and ... of the ... Act, granted to Wm Wordsworth, and obtained by Wm H. Wordsworth his Executor, did not ... to the ... and interested in said patent before such ... and extension, but the law vested in persons ... the use of machines at the time the ... ... the right to ... the use.

2d That an ... of an exclusive right to use

Monday March 9th 1818

a machine and to vend the same & others to use within a specified territory, does authorize an assignee to vend elsewhere out of the same territory such machines and other materials, the product of such machine.

It is therefore ordered and decreed by this Court that it be so certified to the said Circuit Court

per Mr Justice Todd.

James G. Wilson Admr & Appt
vs
Josiah Pierce & John L. Turner

198.

On Appeal from the Circuit Court of the United States for the District of Maryland.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and argued by Counsel. On consideration whereof, it is ordered and decreed by this Court, that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs.

per Mr Justice Todd.

Wm H. Maxwell assee of
Wm Maxwell exrs &c. &c
Plaintiffs in Error
vs
James Benjamin and Hiram
Wilson
Defendants in Error

On appeal from the District
of the United States for the
East District of Pennsylvania

This cause came on to
be heard on the Transcript of
the record from the District Court
of the United States for the Dis-
trict of Pennsylvania and was argued by Counsel, On consi-
deration whereof, It is now here ordered and decreed by this
Court that the decree of the said District Court in this
cause be and the same is hereby reversed with costs and this de-
fendant James Wilson, with costs, and that this cause
be and the same is hereby remanded to the said Dis-
trict Court with directions to dismiss the complainants bill
as to the defendant James Wilson with costs, and that the
said District Court with directions to dismiss the defendant Ja-
mes Benjamin severally for the use of the machine in the bill men-
tioned and to award the writ of Error in the said District
Court wherein Stated and prosecuted against the complainants
upon the defendant in error with costs and that
this Court may have such further proceedings in the
premises as to right and justice and equity may appertain
and in conformity to the opinion of this Court as to
law and practice shall appertain

Monday March 9th 1829 Continued

Samuel L Mitchell plff in Error 130. vs Jesse Taylor & Others Defts in Error	On motion of Mr Justice M'Lean The Judges of the Circuit Court of the United States for the District of New York

certificate of division in opinion between the Judges of the Circuit Court of the United States for the Northern District of New York upon the following questions ordered by the Judges of the said Circuit Court to be certified to this Court for its opinion in conformity to the act of Congress in such case made and provided; and was argued by Counsel - On consideration whereof, it is the opinion of this Court, 1st That the 3d section of the patent act of 1836 does not require the specification of a patent on the application of the Executor or administrator of a deceased patentee.

2d That by the true construction of the 6th section of the act of July 4th 1836, entitled "An act to promote the progress of useful arts" the Secretary of State granted to Jesse W Mitchell administrator, on the 16th day of November 1836, and not unto the said Samuel L Mitchell executor of the last will and testament of Wm Woodworth on the 22d day of December 1828. but that the said letters ought to have

Legal of the administrator only, in his said capacity. —

And That the extension sought in the foregoing second point and prayed for by the said Bill of Complaint to the benefit of the administrator to enjoin the said grantee, and to obtain an account of profits and damages, and to that end to have the said assignment made by Mrs Mordecai and James Mordecai to Isaac Spach and the said Mrs Mordecai dated the 10th day of December 1829 (and set forth in the second plea of the defendants to the first count of the declaration) and duly legally executed by the said Mrs Mordecai and James Mordecai and duly recorded as in the said plea mentioned, delivered up to be cancelled, and that the said extension did not enure to the benefit of the said Isaac Spach and Mrs Mordecai and James Mordecai

And That the plaintiff may be at liberty to enter a nolle prosequi as to the residue of the said first count of the said declaration, and that the defendants may have judgment against the plaintiff for their costs of suit in that behalf, and that the plaintiff may have execution of the premises in the said first count of the said declaration mentioned, and of the said extension of the said letters patent, for the residue of the said term of fourteen years from the date of the said letters patent granted to the said Isaac Spach, against any person not claiming under the said assignment from the said Mrs Mordecai and James Mordecai, and that the said assignment may be set aside as fraudulent and void against the plaintiff

Kendall, Secretary, &c. vs. Bain, Jr.

[illegible] of the said, or right or title to, or interest in the said original patent, and that said Bain, Jr. did not, at any time before the [illegible] of said original patent, [illegible] to the said reissued letters patent.

4th. That the [illegible] of the bill as an exclusive right to use the [illegible] machine within the [illegible] of Wisconsin has [illegible] the right, as will enable him to maintain an action for infringement of the patent, if it is void [illegible].

5th. That the [illegible] patent was issued in the [illegible] Office, as commissioner of patents, on the 8th day of July, 1845, upon the amended specification and [illegible] claim of the patent, it was not void in law, and not void for uncertainty in ambiguity, or multiplicity of claim, or any other cause.

6th. That the question involved in the 5th [illegible] was not, nor was any question of law which this court can review.

7th. That the decision of the board of commissioners, [illegible] determining upon the application for the [illegible] of the patent in the bill of the 8th of July, 1845, is not conclusive upon the question of the [illegible] of the said reissued letters patent.

8th. That the commissioner of patents [illegible]

mons or Summons of letters patent for or respective Specification, and issue new letters patent upon an amended Specification, for the residue of the term for which the original patent was granted, and pending the existence of an extended term of seven years: and that such summons and process may be made at any time during said extended term. —

It is thereupon now here ordered and adjudged by this Court that the said Certificate of this Circuit Court.

Pr. Mr. Justice Nelson. —

The United States - Appt vs William S. Pogue	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Tennessee.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Tennessee and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel - On consideration whereof it is the opinion of this Court, that the matters

failed on the plea of the accused in not guilty. It is
ordered adjudged & decreed by the Court here that
the said Thomas Smith be imprisoned in the Penitentiary
of the United States for the term of three years
& that he pay a fine of one cent to the United States
& the costs of prosecution & that he be kept in
close confinement until the fine & costs be paid
& that he be then discharged out of custody.

Mr. Chief Justice Taney

	George Smith plff in Error vs William Curtis Deputy Marshal &c	It is now here ordered by this Court that this cause be dismissed with costs & that the mandate of this Court issue accordingly.
39.		
	The United States appellants vs Charles Lawrence & others	It is now here ordered by this Court that this cause be dismissed with costs & that the mandate of this Court issue accordingly.
70.		
	John Hunt plff in Error vs J. & M. Bates	On motion for a writ of Error to the Supreme Court of the State of Missouri. On consideration whereof it is ordered by this Court that the writ of error in this cause

Monday Term 1st M. Alabama

as the following words, viz:—

"Mr Westcott in behalf of John S. and submitted to the Court a certified copy of the record of the opinion of said Court of Appeals and of said judgment in said cause and prayed to the Court that said Court of Appeals was deprived by the admission of the Territory of Florida as a State on the 3d of March last and that all the records and papers of said Court of Appeals and the record of cases in said cause had been placed by the act of the General Assembly of the said State in the Custody and keeping of the Clerk of the Supreme Court of said State and also that said cause was a case of Federal jurisdiction; and he moved this Court with directions to the Clerk of this Court to present the same to the Judges of said Supreme Court of said State and to the Clerk aforesaid having the custody of said record as aforesaid to the end that said judgment may be certified to this Court and a return of such record may be made by said Clerk of said Supreme Court of said State." It is ordered that the said motion be and the same is hereby refused

Jno Mc. Kee Jud Pres

Feb 11

Monday Court 11th Continued

[illegible] the [illegible] of the Court there no
the cases on the docket not decided, and all the
Courts of the State not governed by the Court, to
wit the same as during our time of the sitting
of this Court.

Proclamation being made the Court adjourned
to the 12th Feb. 1838 at 10 o'clock.

In the District of the United States in the City of Washington and District of Columbia being the seat of the National Government of the United States on the seventh day of December, being the seventh day of the said month in the year of our Lord one thousand eight hundred and forty six, and of the Independence of the United States the seventy first the Supreme Court of the United States met agreeably to law.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	John Catron	
	Peter V. Daniel	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened

The Honorable Robert C. Grier appeared to the Robe[illegible] from the Department of the United States under

Robert C. Grier Jr. Ass. Justice

the tenth day of August in the year of our Lord one thousand eight hundred and forty one of the Independence of the United States the sixty fifth, appointing him an associate Justice of the Supreme Court of the United States in the following words, viz.

"James K. Polk President of the United States of America.

To all who shall see these presents, Greeting:

Know ye, That reposing special trust and confidence in the wisdom, uprightness and learning of Robert C. Grier of Pennsylvania, I have nominated and, by and with the advice and consent of the Senate, do appoint him to be one of the Associate Justices of the Supreme Court of the United States, to have and to hold the said office with all the powers and privileges and emoluments to the same of right appertaining, unto the said Robert C. Grier during his good behaviour.

In testimony whereof I have caused these letters to be made

patent and the seal of the United States to be hereunto affixed. Given under my hand at the City of Washington, the fourth day of August in the year of our Lord one thousand eight hundred and forty six and of the Independence of the United States of America the seventy first

Seal

James K. Polk

By the President

James Buchanan
Secretary of State"

Commonwealth of Pennsylvania
Dauphin County, ss.

I, Robert G. Cain, do solemnly swear that I will support the Constitution of the United States and the Constitution of this Commonwealth, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as an Associate Justice of the Supreme Court of the United States according to the best of my abilities and understandings agreeably to the Constitution and laws of the United States and that I will support the Constitution of the

Sworn and subscribed before me
Presiding Judge of the 3rd Judicial
District of Pennsylvania at the City
of Pittsburgh the tenth day of August
A.D. one thousand eight hundred
and forty six.

Benjn Patton.

To the Chief Justice and Associate Justices of the
Supreme Court of the United States and all others
whom it may concern.

Having by and with the advice and consent
of the Senate appointed Robert C. Grier associate Jus-
tice of the Supreme Court, in the place of Henry
Baldwin deceased I do, under and in pursuance of the
authority of the law in such case provided, allot
the third Circuit & the said Robert C. Grier and
continue the last allotment heretofore made to
the Chief Justice and Associate Justices of the said
Court

Given under my hand at the City of Washington this
fifteenth day of August one thousand eight hun-
dred and forty six, and of the Independence of
the United States the seventy first.

By the President. James K. Polk

Secretary

The Chief Justice announced to the Bar that the Court would commence the call of the docket to morrow under the 36th Rule.

[illegible] until tomorrow morning at Eleven O'Clock

Friday January 8th 1858

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	John Catron	
	Peter V. Daniel	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hamilton Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion ordered by the Court that Edward Bates of the State of Missouri be admitted to practice as an Attorney and Counsellor of this Court and he was accordingly

On motion ordered by the Court that Edward Carrington Esquire of Maryland be admitted to practice as

October Term 1858

William S. Pope, plff 2. v. Orlando C. Pyles	This cause came on to be heard on argument and on consideration whereof it is considered by the Court that the writ of error in this cause be and the same is hereby dismissed & the proceedings thereon are reversed with costs of Court.

John F. Ronan et al. 3. vs Plffs in Er. Evan S. Evans	On motion of Counsel for the plaintiffs in Error in this cause leave is suggested the death of John F. Ronan one of the plaintiffs in Error & Evan S. Evans [illegible] administrator of said deceased, and that the cause of action survived, moved the Court for leave to the surviving plaintiffs in Error to prosecute this writ of Error. Whereupon it is ordered by the Court that the said Evan S. Evans surviving plaintiff in Error have leave and the same is hereby granted him to prosecute this writ of Error in the said name.

5.	John F. Ware adm vs Miriam L. Ware.	The Clerk of Counsel for the plaintiff in this cause moves the Court to enter on the record the death of John F. Ware one of the plaintiffs which occurred in Paris since the last continuance of this cause; and that the cause of action survived, moves the Court for leave to the Survivor to prosecute this suit &c. Whereupon it is ordered by the Court that Lewis F. Ware the surviving plaintiff in this cause and the same is entered upon the record to prosecute this suit &c. in his sole name.
5.	Lewis F. Ware surviv &c vs Miriam L. Ware	This cause was argued by Counsel on motion for the plaintiff in error.
6.	Lewis F. Ware surviv &c vs Miriam L. Ware	This cause was submitted to the Court on the Record by Counsel on behalf of the plaintiff in error.
7.	Miriam L. Ware adm &c vs John F. Clark adm of Willard H. Webster.	This cause having been called for argument and no counsel appearing ready to argue the same. It is there-

Sunday October 30th 1814 continued

[illegible] and the same is hereby published to the [illegible]
[illegible] to all [illegible]

Proclamation Line not to be crossed against until tomorrow morning at Eleven O'Clock

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Circuit Court 1848

Monday the second day of October in the year of our Lord one thousand eight hundred and forty eight and in the seventy second year of the Independence of the United States of America at the Capitol in the City of Washington in the District of Columbia

Present

The Supreme Court	Hon. R. B. Taney	Chief Justice
	John McLean	
	John Catron	
	John Mc Kinley	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Whereupon the Court adjourned.

On motion ordered by the Court that Ogden Hoffman Esquire of the District of Columbia be admitted to practice as Attorney and Counsellor of this Court and Eugene Stevenson Esquire of the State of Pennsylvania be admitted to practice as Attorney and Counsellor of this Court and they were severally duly sworn according to law

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Isaac Coates Plaintiff in Error vs John Mathews	In error to the Circuit Court of the United States for the Eastern District of Pennsylvania

Mr Ingersoll of Counsel for the plaintiff in Error, having filed a suggestion in writing of the death of Isaac Griffith the plaintiff in Error since the last continuance of this cause, and the same having been read and considered by the Court it is ordered and adjudged by this Court that this writ of Error to the Circuit Court of the United States for the Eastern District of Pennsylvania be and the same is hereby abated.

Present Mr Ch. Jus. Marshall

John L. Hamil plff in Er.
vs
Miriam C. Rumsey

On motion of Mr Webb of Counsel for the defendant in Error it is ordered by the Court that leave be and the same is hereby granted to the said Counsel to submit a printed argument in behalf of the defendant in Error.

John L. Hamil plff in Er.
vs
Miriam C. Rumsey

On motion of Mr Webb of Counsel for the defendant in Error it was ordered by the Court that leave be and the same is hereby granted to the said Counsel to submit a printed argument in behalf of the defendant in this cause.

Wednesday December 6th 1820 Continued

	James H. [illegible] &c. Plff in Er. vs William G. Hunter def'd	The argument of this cause was commenced by Mr. Gilliam for the plaintiff in Error continued by Mr. Campbell for the defendant in Error, and concluded by Mr. Gilliman for the plaintiff in Error.
12.	Wm. M. Dowsat. Plff in Er. vs Wm. Cabaniss, Junr. Deft in Er.	This cause coming on to be called for argument & no Counsel appearing ready to argue the same. It is on motion ordered by the Court that this cause do abate the same is hereby postponed to the first day of the docket next after the 16th rule day of Court
13.	John Dunn & al Plff in Er. vs William Mitchell	On motion of Mr. Gilliam of Counsel for the plaintiff in error. It is ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.
5.	John Scott & al. Plff in Er. vs Wyatt & Scott Young now deceased	Mr Coalbridge of Counsel for the plaintiff in error having filed a diagnostic in writing

of the death of Isabella Scott one of the plaintiffs since the last continuance of this cause, moved the Court that the cause proceed hereinafter in the name of said Robert the surviving joint plaintiff. Whereupon it is ordered by the Court that the said motion be and the same is hereby overruled & the cause continued as to the defendant.

N & S. Dick & Co. – Pltffs vs Martin L. Pennell	This cause coming on to be heard Mr Dick for the defendant.

Christopher Fraser – appt vs Archibald Douglass et al	The argument of this cause was commenced by Mr Meredith for the appellee and on motion of Mr Dick of Counsel for the appellant leave was given to withdraw the case as to further argument on behalf of the appellant with the right of the Counsel to file a brief.

Benjamin F. Shriver et al vs Edward Lloyd	On motion of the Solicitor Counsel for the plaintiffs in error it is ordered & decreed by the Court that this cause be

Case

Wednesday January 6th 1841

William Ashton and others v Offord and others	On motion of Mr Adams of Counsel for the defendants and with the consent of Mr Hall of Counsel for the plaintiffs an order has been made that the defendants have a further day to shew cause against the rule for a new trial in this cause

Proclamation being made the Court adjourned until tomorrow morning at Nine o'clock

Thursday December 11th 1851.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	John Catron	
	Peter V. Daniel	Associate
	[illegible]	[illegible]
	Levi Woodbury	
	[illegible]	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

[illegible]

William H Brady appellant	On motion from the bench of the Attorney of the United States for the District of Columbia holden in and for the County of Washington.
vs	
Ezra Chandler & Edward Lee & Charles Lenhart.	

The appellant in this cause having filed an order to dismiss his appeal in this cause. It is therefore now here ordered and decreed by this Court that the appeal from the Circuit Court of the United

Tuesday January 11th 1916 continued.

States for the District of Columbia holden in and for the County of Washington to issue the same as shall be unjust at the costs of the appellant.

Per Mr. Chief Justice.

22.	George H. White, appellant, v. John L. Wilson	Mr. Barton for the appellant in this case filed a stipulation in writing of the counsel of George H. White the plaintiff in this case for the further continuance of this cause, praying leave to make it part of the record herein. Which upon said stipulation it is now ordered by the Court that the leave prayed for be and the same is hereby granted.

23.	George H. White, appellant, v. John L. Wilson	Mr. Moore was argued by Mr. Barton for the plaintiff in error.

24.	Jacob L. Morton, plaintiff in error, v. James M. Templeton	Mr. Conrad for the plaintiff in error filed a stipulation in writing of counsel in this cause in lieu of written arguments. It is therefore ordered by the Court that leave be

Tuesday Morning 10th inst. continued

and the Court adjourned to the Court Room
there to Submit this cause on printed arguments.

Wednesday Morning the Court assembled pursuant to
adjournment (Present) at Eleven O'Clock.

1831

Friday December 16 1831

Minutes of the Court at the Capitol

Present

The Honble	Roger B. Taney	Chief Justice
	John McLean	
	John Baldwin	
	Peter V. Daniel	Associate
	Joseph Story	Justices
	Smith Thompson	
	Robert Trimble	

Alexander Smith Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Samuel Peters et al. Heirs &c. of Kentucky
vs.
Stout & Curtis, Executors &c.

Mr Critenden of Counsel for the appellant in Error moved the Court to dismiss the writ of Error for the want of jurisdiction - On consideration whereof the Court not being now sufficiently advised of and concerning the said motion it is ordered that the same stand over to the next term of this Court for further consideration.

Prize Proceedings continued.

Nelson, Captain the ship [illegible]	The cause was argued by
28 v.	Mr. Godson for the [illegible]
John S. Miller [illegible]	the owners and captors of
	the Queen of Denmark &
	the Officers have made grants to and claimed a
	general interest in the said ship [illegible]
	the Officers & Crew of the said ship

The Queen's Proctor Surrogate [illegible]	It appearing by
5 v. [illegible]	the proctor on
The Ancient Town of Boston	[illegible] counsel attending
	ready to argue the same
	It is therefore ordered that the said cause
	be and the same is hereby postponed to the
	first of the docket sitting on the 16th inst.

The Master Elder [illegible]	On motion of Mr. Attorney
29 v.	General & Counsel for
Brooks & Daniels [illegible]	the plaintiffs, It is ordered
	that the cause be and the same is hereby postponed
	to the first of the docket.

Friday December 21st Continued

33	Rachel C. Lee Plff vs Thos J Ward	This cause having been called on application was made by Counsel for the Plff that the same be dismissed from the docket with the usual order thereupon
34	John F. Barry Plff in Ca. vs Mary Spencer & F. F. Barry	This cause having been called for hearing and no Counsel appearing when it came on to be heard it is thereupon now here ordered by the Court that the same be and the same is hereby dismissed from the docket with costs to the Defts of Court.
35.	James Lara Plff in Ca. vs Thomas Byrne.	On motion of the Counsel for the Plaintiff in Error It is now here ordered by the Court that this cause be and the same is hereby dismissed from the docket with costs to the Defendant in Error

Proclamation being made the Court adjourned until Monday Morning at eleven O'Clock.

Monday March 11th 1844

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	
	Peter V. Daniel	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on the part of Mr Meachum. It is ordered that Caswell B Caplinger Esquire of the State of Tennessee be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court on this behalf by Mr Campagnie - It is ordered that John W. Frazier Esqr of Tennessee be admitted to practice as an Attorney

Monday Morning 11th Oct

and Counsellor of this Court and do reckon accordingly. —

On motion first made to the Court in this behalf ordered Simkins. It is ordered that William T. Barry Esquire of Kentucky be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly. —

William L. Cook - Moffat &c. vs John L. Moffat et al	The argument of this cause not commenced by the Court for the day of an Error. —

Proclamation being made the Court is adjourned until tomorrow morning at 10 o'clock. —

Tuesday January 15th 1811

Present

Hon. Peter Van Ness Chief Justice
John McLean
James M. Kean
John Catron Assoc.
Peter V. Daniel Judges
Samuel Nelson
Levi Woodbury
Robert C. Grier

Abraham Lansing Esquire Counsellor
William Samuel Carroll Clerk

Examination and admission of Counsellors

William L. Sharkey Esquire of Mississippi
and
Isaac D. Jones of Ohio

Ordered that they be severally admitted as Counsellors of this Court and thereupon they severally took the oath prescribed by law and subscribed the roll of Counsellors

5440

Wednesday December 16th 1846

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Joseph M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Bayly. It is ordered that Guy E. Brockus Esquire of Alabama be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

25	Joseph S. Lunt Executor &c vs Robt Heath Executor Estate of S. Heath at appeal & the representatives of S. Heath and in his individual right	On appeal from the Circuit Court of the United States for the Eastern District of Louisiana

The parties in this cause having filed a Stipulation in writing "that this suit and the appeal therein be dismissed the same having been settled and that each party pay his own costs therein" It is therefore now here ordered and decreed by this Court that this appeal from the Circuit Court of the United States for the Eastern District of Louisiana be and the same is hereby dismissed, and that each party pay his own costs in this Court

Per. Mr Ch. Jus. Taney

26.	Nelson, Carleton & Co & al vs appts John S. Pettit & al	This cause was submitted to the Court on a printed argument by Mr Bacon on behalf of the appellants

5442.

Jurisdiction Dismissed & Case Continued

1.	William G. Cook Plff in Er vs John S. Moffat & al	The argument of this cause was concluded by Mr Johnston for the Plaintiff in Error. —
37.	Thaddeus Lewis Plff vs John Van Zandt	This cause having been called for argument & no counsel appearing ready to argue the same. It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th Rule of Court
39.	Robert Marshall Plff vs Susan G. Beall	This cause having been called for argument and no Counsel appearing ready to argue the same It is thereupon now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th Rule of Court

Wednesday December 16th 1846 continued

23.	Elizabeth Father Exec to vs Cliff & Ux. James S. Taylor Ind. Exec &c	Ex parte Motion was commenced by Mr Critchlow for the Plan. Cliff & Ux

Proclamation being made the Court adjourned until tomorrow morning at Nine O'Clock.

Feb 5

Supreme Court, 1846.

Court met pursuant to adjournment the Court, and this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esqr. Marshal.
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion just made to the Court in this behalf by Mr Crittenden. It is ordered that John B. Coleman Esqr. of Kentucky be admitted to practice as an attorney and Counsellor of this Court and he is duly sworn accordingly.

Tuesday December 1st 1840 Continued

23.	Elizabeth Calvin, exrx &c Pltff in Err "v" Saml. Taylor & Sarah Sinclair &c	The argument of this cause was continued by Mr Coles and concluded by Mr Lee for the defendants in Error
24.	Thurston Jones Pltff "v" John Van Zandt	On motion of Mr Merriwether of Counsel for the Plaintiff It is ordered by the Court that this cause be submitted on printed arguments on both sides.
25.	Thurston Jones Pltff "v" John Van Zandt	This cause was submitted to the Court on printed argument by Mr Merriwether of Counsel for the Pltff.
26.	Nathaniel F Mumford exrx of Thomas Clarke late Mas-ter & Agent of Steamboat Enda &c "v" Thomas Clark late Mas-ter & Agent of Steamboat Enda &c	The argument of this cause was commenced by Mr Johnson for the defendants

Proclamation being made the Court adjourned until to morrow morning at eleven O'Clock.

Friday December 18th 1846

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court adjourned.

3h.	John A. Barry Plff in Er vs Mary Mason & Ann E. Barry	Mr Barry on his motion Ordered moved the Court to assign a particular day for the argument of this cause which was objected by the Court. Counsel for the defendants in error, who moved the Court to dismiss this writ of error as irregular and for the want of jurisdiction.

Friday December 18th 1846. Continued

Thereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider

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129.	Stephen Girault - Appl vs Henry L. Chamberlain	Mr Duncan of Counsel for the Appellee moved the Court to dismiss this Appeal because the matters in controversy were of less value than the sum of Two thousand dollars. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

87.	William R. Hallett & al vs Appl in Er. Lessee of Jonathan Trout & al	Mr Sargeant of Counsel for the defendant in Error moved the Court to dismiss this writ of Error on the ground that there is no question in the case cognizable by this Court, and for leave to move said motion when the case is taken up on the docket. Whereupon this Court not being now sufficiently advised of and concerning what order to render in the premises took time to consider.

Friday December 18th 1846 Continued.

	Nathaniel Turney et al owners of Steamboat C. Lee &c vs Thomas Black Late Master agent of Steamboat Linda &c	The argument of this cause was continued by Mr Johnson for the appellants and by Mr Pillsbury for the appellee.
86.	Same Curtis et Gustin vs vs John Thomas Executor	On motion of the Counsel of the appellee that appellants this cause on Tuesday next at 10 o'Clock A.M. who this cause should not be stricken from the docket and the said appeal be dismissed with costs for reasons filed in writing on behalf of said appellee It is ordered by the Court that said motion be set down for argument next motion day and that notice thereof be given to the Counsel for the appellants.

Proclamation being made the Court adjourned until Monday morning at seven O'Clock

Monday December 21st 1840.

Pursuant to agreement the Court met this morning at the Capitol

Present

The Marshall	Tyler S. Carey	Chief Justice
	John McLean	
	Edward D. Payne	
	John Cotton	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened -

On motion first made to the Court in this behalf by Mr Carlin It is ordered that William Cant Esquire of the District of Columbia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Critten It is ordered that

Monday December 21st 1846 Continued

F. H. Lawrence Esqre of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

N. & S. Dick & Co. ff Plff v. Hardin D Kennels	On a certificate of division of opinion between the Judges of the Circuit Court of the United States for the Southern District of Mississippi

10.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion according to the act of Congress in such case made and provided and was argued by Counsel On consideration whereof it is the opinion of this Court that the certificate was considered was insufficient, and that the direction in the second Order ought not to be executed Whereupon it is now here ordered and adjudged that it be certified to the said Circuit Court

by the Ld. Chief Justice

James Reed - Plff in Er
vs
William H Hambleton &
Ethel M. Ives

In error to the Circuit Court of the United States for the Southern District of New York.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

pr Mr Chf Just Taney -

James Perkins, Sarah Mc. Comst. Lewis McCullough & Louisa M. Cullough -
vs
Hugh W. Dunlap, Executor &c.
Dunlap

In error to the Supreme Court of the State of Louisiana Eastern District for the Eastern District of Louisiana

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana Eastern District for the Eastern District

of Louisiana and was argued by Counsel On consideration whereof, and it appearing to this Court that the judgment of the said District Court was a final one, it is therefore ordered that the writ of Error be and the same is hereby dismissed for the want of jurisdiction.

Opr Mr. Ch. Just. Taney.—

Cornelius Taylor plff in E.	In Error to the Court of
153. vs	Appeals for the Territory
Josiah Gates	of Florida:

Mr Yulee of Counsel for the defendant in error having filed and read in open Court the following certificate to wit.

"At a Court of Appeals for the Territory of Florida continued and held at the Court House in the City of Tallahassee on Saturday the 3d day of February 1844, before the Hon. Judges of said Court

Cornelius Taylor plaintiff — Writ of Error to a judgment of the Superior Court for the Eastern District for Duval

vs

Josiah Gates defendant

County, rendered on the 12th day of May 1843.

which it was considered that the defendant in Error recover of the plaintiff in Error the sum of $ 100 & costs besides his costs. –

This day came the parties by their Attorneys and thereupon for hearing of the record of the said Court aforesaid & the same being seen and understood and said Cause fully heard by Counsel, it seems to the Court here that there is no error in said judgment. Wherefore it is considered by the Court that the said judgment be affirmed and that the defendant in Error recover against the plaintiff in Error his costs by him about his defence in this behalf expended which is assessed to be assessed by the Court here.

Whereupon the plaintiff in Error by his Attorney prayed the Court a writ of Error from the Supreme Court of the United States to the judgment rendered against him this day, by this Court which is granted him, and on his motion and for reasons appearing to this Court, it is further ordered that said writ of Error shall operate as a Supersedeas of said judgment so rendered as aforesaid, upon the said plaintiff in Error entering into bond as the act of Congress requires on or before the 21st day of June next, with Security to be approved by the Judge of the Eastern District in the sum of $ 2000. and that

Monday December 2nd 1844 Continued

decision be stayed until that time.

Territory of Florida, Leon County, ss.

I Leonard I Bischett Clerk of the Court of Appeals for the Territory of Florida do hereby certify that the foregoing is a true & correct copy of the judgment rendered by said Court in the above entitled cause, late in session in said Court of Appeals, as the same appears by the records of the said Court

In Witness whereof, I have hereto set my hand and annexed my Seal of Office at Tallahassee this 11th day of March A.D. 1845.

Seal

R. I. Bischett, Clk"

and Jarvis Hubbard that the plaintiffs in Error have not by them filed the record of said cause in this Court, or in any way to prosecute said writ of error, nor have since the Court in pursuance of the 35th rule of this Court to have this writ of error docketed and dismissed. On consideration whereof, It is, now here ordered and adjudged by this Court that this writ of error to the Court of Appeals for the Territory of Florida be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Court of Appeals for further proceedings to be had therein

Monday December 21st 1846 Continued

in conformity to law and justice the said writ of error notwithstanding.

Mr Mx. Ch: Jus: Taney

John A. Berry - Appt in Er.	On consideration of the
34. vs	motion made by Counsel on the part
Mary Brown & Eliza A. Berry	of the Defendant in this cause last Friday the 18th inst.

It is now here ordered by the Court that said motion be and the same is hereby set down for argument on Saturday next the 26th instant.

Nathaniel S. Harris et al owners	The argument of this cause
of Steamboat Ben Sherrod &c	not concluded by the Counsel
40. vs Appt	for the appellants
Thomas Clark, late master & agent	
of Steamboat Sea &c	

Simon Whitehead Appt	On motion of the Counsel
41 vs	of Record for the plaintiff.
Henry Turner	It is now here by the Court

that the Counsel have leave to submit this cause on printed arguments.

Monday December 21st 1846 Continued

84.	Henry A Hall Esqr vs William Smith	Rule made and argued by Francis Gibbs & Daniel for the defendant and Lushington in shewed argument by Mr Putney on behalf of the plaintiff

Proclamation being made the Court adjourned until to morrow morning at eleven o'Clock.

Tuesday December 29th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Joseph Story	
	John Catron	Absent
	John P. Davis	
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Henry Keller admr of Lewis Keller Plff in Er vs Peter Ewbank et al	This cause was argued by Mr Orr for the Plff in Error and by Mr Summers for the defendants in Er.

Tuesday December 22nd 1846 Continued

The United States Appt vs The Bank of the United States	The argument of this cause was commenced by the Attorney General for the plaintiff in error, and continued & concluded for the defendant in error.

Proclamation being made the Court adjourned until tomorrow morning at Eleven O'Clock

Wednesday December 23rd 1818.

Court met pursuant to adjournment the Court over the morning at the usual hour

Present

The Honorable	John M'Lean	
	James M. Payne	
	John Catron	Associate
	Peter V. Daniel	Justices.
	Samuel Nelson	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The United States plff in Er. vs. The Bank of the United States	The argument of this cause was continued by Messrs Badmaladen & Sergeant for the defendant in Error
James Y. Glen &c plff in Er. vs. Hugh McCulloch, made &c.	On the application of the defendant in Error It is ordered by the Court that the Clerk of this Court do forthwith issue a mandate in this cause

Proclamation being made the Court is adjourned until to morrow morning at eleven o'Clock

Thursday December 24th 1846.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by his Counsel it is ordered that A O Parish Jr. Esq of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

The United States plaintiffs in Er.	The argument of this cause was continued by the Counsel for the defendant in error & concluded by the Solicitor for the plaintiffs in error.
vs	
The Bank of the United States	

Thursday December 24th 1846. Continued

Samuel Gibbons plff vs Henry Turner	This cause was submitted to the Court on the record and printed arguments by Mr Brent for the plaintiff and by Mr Bibb for the defendant.

Continuation being made the Court adjourned until monday morning at eleven O'Clock

Monday December 28th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Samuel Nelson	Justices
	Levi Woodbury &	
	Robert C Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Levy B. Stevens admr de bonis non of John O. Page - appt vs Rufus K. Page.	Mr Evans of Counsel for the appellant having filed and read in open Court the following suggestion of a diminution of the record

183.

in this cause, in this to wit:

"That the account of Rufus K. Page with the firm being exhibit No 5 B. on page 56 of the Record in this case, is not set forth in full, but only by the title and amount that the account

of John B. Page with Augustus B. Page being exhibit No. 5. C on page 13th is not set forth in full, but only in the title and amount that the whole of Exhibit No. 5. C. Schedule No. 2" on page 13th is omitted and also Exhibit No. 6. being a cancelled bond signed by Sarah Page surviving & Augustus B. Page."

By reason of which omissions and errors aforesaid the said Complt can not more fully have before this Court the proceedings of the said Circuit Court requiring them that discussing the merits and proceedings of the said Court in the cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found. On consideration thereof, It is ordered and adjudged by this Court that a writ of certiorari be and the same is hereby awarded to be issued forthwith, and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court whatever omissions and errors shall be found in this cause and return the same with this writ of Certiorari forthwith to this Court

Pr. Mr. Jas. McSean.

Monday January 25th 1836. Continued

48.	Laurent N. Benham, assignee of Saml Lamar &c vs Wm Taylor et al	On motion of the Plaintiff by his Counsel it was ordered by the Court that this cause be continued in common with No 46. being a suit against the same parties
49.	The United States use &c vs Henry Wells	On motion of Mr Attorney Gen'l granted to the plaintiffs. It is now ordered by the Court that this cause be and the same is hereby continued to the next term of this Court
50.	Silas L. Crittenden use &c vs Wm G. Sims	This cause having been called for argument and no counsel appearing now to prosecute the same. It is therefore now ordered by the Court that this cause be and the same is hereby dismissed at the cost of the relator unless the 26th Inst
51	Charles Dunn &c vs Richard M. Young	This cause having been called for argument and no counsel appearing now to prosecute the same. It is there-

upon now here ordered by the Court that this cause be and the same is hereby postponed to the first day of the docket under the 36th Rule of Court. —

---

52 Samuel L. Lindsey appt vs Thomas P. Barnes et al	On motion of the Petitioners Counsel for the appellees. It is now ordered by the Court that leave be and the same is hereby granted to the Counsel of both parties to submit this cause on printed arguments.

---

53 Silas D. Bush appt vs Jacob Marshall et al	On motion of Levi Lane Esq Counsel for the appellant. It is now ordered by the Court that this cause be and the same is hereby continued to the next term of this Court

---

54 Robert B. Smith et al vs appt to Barbour & King	This cause coming on to be heard for argument and on motion of Francis Scott Key Esq it is ordered that the same be and the same is hereby continued to the first day of the docket under the 36th Rule of Court. —

Monday December 28th 1846 Continued

William Bailey Jr. & c. vs William B. Pegin	In motion of the Attendon of Counsel for the defendant in Error It is now here ordered by the Court that same be and the same is hereby granted & the Counsel of both parties to submit their cause on printed arguments.

Proclamation being made the Court stands adjourned until tomorrow morning at Nine O'clock

Tuesday December 29th 1846.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Court	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Wolcott Esqre Marshal
William Thomas Carroll Clerk.

Motion having made the Court adjourned.

On motion first made to the Court in this behalf by Mr Sargent It is ordered that George M. Dallas Esqre of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday December 26th 1843. Continued.

93. Elizabeth Walker devisee of Robert Walker deceased — pltff in Er. — vs — Francis T. Taylor, William Robinson, William C. Jarbell, Thomas Lick and John M. Grimes, Trustees of the Town of Columbus — In error to the Court of Appeals for the State of Kentucky.

This cause came on to be heard on the transcript of the record of the Court of Appeals for the State of Kentucky and was argued by Counsel. On consideration whereof It is now here ordered and adjudged by this Court that this writ of error be and the same is hereby dismissed for the want of jurisdiction.

Ds. Mr. Jus. Grier

91. The United States pltff in Er. — vs — Gordon D. Boyd, Samuel Ragsdale, Francis Lee, Barnabas Warren, John O. Boyd, Joseph Quigley, William Dodd, Zachariah Rector, Sylvester Pearl and Stephen Cocke — In error to the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi.

and was argued by Counsel On motion it is
It is therefore ordered and adjudged by this Court that the
judgment of the said Circuit Court in this cause be
and the same is hereby reversed, and that this cause
be and the same is hereby remanded to the said Circuit
Court with directions to award a venire facias de
novo

Present Mr Chief Justice Taney

Ethan A Brown Plff in Er v. Isaac Minor & al.	On argument of Mr Campbell's motion to dismiss this writ of Error and summons by Mr Campbell in support thereof and continued by Mr Barry in opposition thereto.

54

Proclamation being made the Court adjourned
until tomorrow morning at eleven O'Clock.

Wednesday December 30th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John Catron	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander	Hamilton Esquire	Marshal
William	Thomas Carroll	Clerk.

Proclamation being made the Court is opened.

John J. Barry Appellee	The argument of the motion to dismiss this writ was continued by Mr. Barry in opposition thereto and by Mr. Rockwell in support of the motion.
34 vs	
Mary Kenan et al	

Proclamation being made the Court adjourned until tomorrow morning at eleven O'Clock

Thursday December 31st 1846.

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices.
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

John F Dana - Plff in Er.	The argument of the motion to
34. vs	dismiss this writ of error was con-
Mary Brown et al	cluded by Mr. Rockwell in support
	of the same.

Proclamation being made the Court is adjourned until Friday morning at Eleven O'Clock.

Monday January 4th 1847

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court adjourned

Henry A. Hall	Pltff	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Maryland.
	vs	
William Smith		

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and on the point and question on which the Judges of the

Circuit Court were opposed in opinion, and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel - On consideration whereof, It is the opinion that the plaintiff in this case is entitled to recover of the defendant the money paid by the plaintiff to Saunders, as have money paid for him (Smith) use Whereupon it is now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

(s. Wm. Smith Wayne

Stephen Smith appt.	On appeal from the Circuit
129 vs	Court of the United States for
Henry P. Chamberlain	the Southern District of
	Alabama.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel On consideration whereof, and it appearing to the Court here that the matter in dispute does not exceed the sum or value of Five thousand dollars exclusive of costs It is therefore now here ordered and decreed by this Court that this appeal be and the same is hereby dismissed for the want of jurisdiction

(s. Wm. Smith Wayne

Monday January 15th 1838 Continued

The Alexandria Canal Company Plaff in Er vs Frances Swann	Error to the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington and was argued by Counsel - On consideration whereof it is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six (6) per centum per annum.

Jpr Mr. Chief Justice Taney

Morgan &c. Ppts Plaff in Er vs Cowmus, Swydam & Nixon	The argument of this cause was commenced by the Attorney for the Plaintiff in error, continued by Webster, & Ogden for the defendants in Error and concluded for the plaintiff in Error by Wirt

Ordered that the Court do adjourn until to morrow morning at 11 o'clock.

Tuesday January 3d 1843.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Abr. Baldwin &	
	Robt C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Examination being made the Court is opened

Henry Miller, native of Prussia	On Error to the Circuit Court
Walter Alexander plff in Error	of Alexander Virginia for the Dis-
vs	trict of Columbia holden in and
25. Betsey & Caroline Embert	for the County of Washington

The cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County

Tuesday January 5th 1847. Continued

of Washington and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

Per Mr. Justice Daniel

35. The United States appellants
vs
Joseph Lawton son of Charles Lawton, Martha Pollard, Hannah K. Dunham wife of James Dunham, Sarah Burbee wife of Robert Muthie, William Pollard and James Pollard, children of Martha Pollard.

On appeal from the Supreme Court for the District of East Florida.

This cause came on to be heard on the transcript of the record from the Supreme Court for the District of East Florida and was argued by Counsel. On consideration whereof, it is the opinion of this Court that the Claimants can take nothing under the concession in this case. Whereupon it is now here ordered and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby reversed and annulled and that this cause

be and the same is hereby reversed & the said Jackson Court with directions to enforce the petition of the Claimants.

J. M. Mr. Jus: Catron.

Wilson Pltff in Err
vs
The United States

Mr Attorney General having filed the following Stipulation to wit,

64. "It is ordered that the mandate in the transcript of the record in the cause may be amended by adding after the words 'be and' [illegible] in the same be' the following words 'and the same is hereby reversed and that this cause be.'"

Cole for Pltff in Err
Nathan Clifford Atty Gen. for appt"

It is therefore, on his motion and with the assent of the Counsel for the Pltff in Err ordered by the Court that the transcript of the record filed in this cause be amended by the insertion of the words thereon agreed upon.

Briggs Hosking & Co.
vs
Swann, Lake & Walker

Pltff in Err.

54 The argument of this cause was commenced by Mr Coe for the Plaintiffs in Error, continued by Mr Chilton for the appellants in error and concluded by Mr Coe for the plaintiffs in error.

Tuesday January 1st 1847 Continued

Samuel Snodgrass Appt 35. vs Jesse Cage Jun	This cause having been called for argument and no Counsel appearing ready to proceed with the same, It is therefore ordered by the Court that that cause be and the same is hereby postponed to the first of the weekly rules the 36 Rule of this Court. —
Vincent M. Benham admr de bonis non of Saml Savage dec 48. vs Asspt William Taylor & al and William Taylor & al 61. vs Asspt Vincent M. Benham admr de bonis non of Saml Savage dec?	The argument of these causes was commenced by Mr Mc Neal for the admr of S. Savage —

Adjournment being made the court is adjourned till to morrow morning at Eleven O'Clock. —

Wednesday January 6th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Brown. It is ordered that Alexander H Stephens Esquire of Georgia be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday January 6th 1847. Continued..

On motion first made to the Court in this behalf by Mr Gaillaudet. It is ordered that Edmund H. Ewing Esquire of Tennessee be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.-

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John B. Forbes, Mary Sophia Williams, Thomas B. Williams, Isabel Ann Forbes, Juan Forbes, Maria Forbes, Maria de Jesus Sarah Forbes, Loreta Sophia Forbes, Catalina Forbes, and Rosalie Sofa Forbes

181. vs. Cliff in Error

James Semmes & John Semmes.-

In Error to the Circuit Court of the United States for the District of Alabama.-

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Alabama, and Mr Brookenbrough of Counsel for the plaintiff in error having filed an order to dismiss this cause, It is therefupon now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed with costs.-

(S. Th. Ch. Just. Taney.-

Wednesday January 8th 1845 continued

William T. & C. Vardaman & William T. Vardaman vs Edward Sullivan	In error to the Circuit Court of the United States for the Southern District of Mississippi

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and the Exhibition of Counsel for the Plaintiffs in Error having stated that the matters in controversy in this case has been settled and agreed between the parties and moved the Court to dismiss this writ of error at the costs of the plaintiffs in error. It is therefore now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed with costs

per Mr. Ch. Just. Taney.

Samuel Savage's admr vs William Taylor et al and William Taylor et al vs Samuel Savage's admr.	The argument of this cause was continued by the Counsel for Savage's admr and by the Exhibition for Taylor et al

Proclamation being made the Court is adjourned until tomorrow

Tuesday January 7th 1817

Present & adjournment the Court met this morning at the Capitol

Present

The Marshal	Hon. J. Marshall	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &c	
	Robert C. Grier	

Alexander Hamilton Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

	Samuel Savage's admr. &c	
48	vs	The argument of these causes was continued by Messrs Ewell and Brown for
	William Taylor & al	Taylor & al.
	and	
	William Taylor & al. appts.	
61.	vs	
	Samuel Savage's admr	

Proclamation being made the Court is adjourned until tomorrow morning at Eleven O'Clock.

Pursuant to adjournment the Court met this morning at the Exhibition

Present

The Honorable	Wm. B. Lacy	Chief Justice
	John Nolan	
	Samuel H. Hays	
	John Caskie	Assistant
	Peter H. Pearce	Justices
	Samuel Colin	
	Lee Headley Esq.	
	Robert E. Lee	

Thomas Hunter Esquire Sheriff
William Samuel Garrett Clerk

Proclamation being made the Court is adjourned

On motion first made to the Court in that behalf by Lee Headley Esq. It is ordered that John Esq. Esquire of Lancaster be admitted to practice as an Attorney and Counsellor of this Court and he is accordingly.

Friday January 8th 1855 Continued

A motion first made to the Court in this Cause by Mr Bradley. It is ordered that C. M. Slaughter Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Samuel Nicholson plff

41 v.

Henry Turner

On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the Southern District of Mississippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. On consideration whereof, it is the opinion of this Court that the packet offered in this case ought to have been received as evidence. Whereupon it is now here ordered and adjudged that it be so certified to the said Circuit Court.

Present The Chief Justice Taney.

45.	Samuel Savage admr &c of vs William Sayle & al and William Sayle & al of ofpts vs Samuel Savage admr	The argument of this cause was continued by Mr Mason for Complt & and by Mr. Sergeant for the admr of Savage

Proclamation being made the Court is adjourned until Tuesday morning at nine O'clock.

Monday January 11th 1847.

Present the Hon. the Judges of the Court and the Marshal at the Capitol

Present

The Court	Hon. J. Story	Chief Justice
	John McLean	
	Jamel M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

48.	Samuel Swayne's admr. appt vs William Taylor et al and William Taylor et al appts vs Samuel Swayne's admr	The argument of these causes was concluded by Mr. Sergeant for the admr of Swayne

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Tuesday January 12th 1841

Pursuant to agreement the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	John A. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened

Morgan McAfee Plff in Er	In Error to the District
vs	Court of the United
Thomas A Cummins James Logan,	States for the Southern
Cornelius P Logan and John	District of Mississippi
Logan, Merchants & Partners in	
trade, under the firm and Style	This cause came
of Cummins, Logan & Logan	on to be heard on the
	transcript of the record

Tuesday January 15th 1850 Continued

from the District Court of the United States for the Southern District of Mississippi and was argued by Counsel On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said District Court in this cause be and the same is hereby affirmed with Costs and damages at the rate of Six 6 per centum per annum

per Mr Justice McLean

Samuel Swartwout plff in Er. vs. Commth of Massachusetts	The argument of this cause was commenced by Mr Webster for the plaintiff in Error and continued by Mr Crowninshield for the defendant in Error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock

Wednesday January 13th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Venerable	Geo. W. Long.	Chief Justice
	John Mc Lean	
	James M. Wayne	
	John Catron	} Associate Justices
	John P. Daniel	
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Randolph Esqre Marshal
Wilkins Samuel Carroll Clerk

Proclamation being made the Court is opened

Christopher Fenn appt	This cause was submitted to the Court on the record and printed arguments by Mr Bell for the appellant and by Mr Crandall for the appellee
vs	
Archibald Craighead et al	

1st

Proclamation being made the Court is adjourned until tomorrow morning at nine o'clock.

5491.

Thursday January 10th 1839

Adjourned to appear in the Court at the morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	absent
	John P. Camel	sickness
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Samuel Swan plff in Er.	The argument of this cause was continued by Mr Ward for the defendant in Error and concluded by
vs	
Com[th] of Massachusetts.	

Mr Webster for the plaintiff in Error.

11.	Joel Stebbins Jeffrey & Co vs Clerk of the Island	Re argument of this cause and summons by Mr Davis for the Plaintiff in Error

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'Clock

Tuesday January 3d 1837

Pursuant to adjournment the Court met this morning at the Capitol

Present.

His Honor	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll Clerk		

Proclamation being made the Court is opened.

William S. Cook - Plff in Er	In error to the Circuit
vs	Court of the United States
John L. Moffat & Joseph Coates	for the District of Maryland.

The cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Maryland and was argued by Counsel. On consideration whereof,

Friday January 15th 1858 Continued

It is now here ordered and adjudged by this Court that the judgment of the Said District Court in this cause be and the same is hereby reversed with costs and damages at the rate of six (6) per centum per annum

Per Mr Justice Grier.

Henry D. Briggs, John B. Mabry, James A. Barker and Alex. Drummond late Merchants and partners in trade under the name, firm and style of Briggs, Mabry & Co. Plff in Er.

vs.

William Cannon, Henry Lake & Elias Walker late merchants and partners in trade, using the name, firm and style of Cannon, Lake & Walker. —

In Error to the District Court of the United States for the Northern District of Mississippi.

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Mississippi and was argued by Counsel — On consideration Whereof, It is now here ordered and adjudged by this Court that the judgment of the Said District Court in this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the Said District Court with directions to award a venire facias de novo. —

Per Mr Justice Nelson —

Friday January 15th 1847. Continued

Lawrence M. Morton, John Easby, Hamilton Easby, John B. Thomas & William Pierson vs. Elizabeth S. Waring —

On appeal from the Circuit Court of the United States for the District of Columbia holden in and for the County of Washington.

Mr C. Cox of Counsel for the appellee having filed and read in open Court the following certificate to wit:

"In District of Columbia, County of Washington, to wit. Circuit Court — In Chancery.

I William Brent Clerk of the Circuit Court of the District of Columbia for the County of Washington do hereby certify that a final decree was rendered in this cause on the 11th day of April 1846. in favor of the complainants from which decree an appeal was prayed by the defendants and granted and an appeal Bond filed in the 21st April 1846

In Testimony whereof, I have hereunto subscribed my name and affixed the public Seal of said Court for the County aforesaid this 17th day of December 1846.

Seal

Wm Brent Clk"

and having stated that the appellant had altogether

further to file the record of this cause in this Court & to docket
and prosecute said appeal, now here moves the Court in
pursuance of the 33d rule of this Court to docket this appeal
docketed and dismissed. Upon consideration whereof, It
is now here ordered and decreed by this Court that this
appeal from the Circuit Court of the United States for
the District of Columbia holden in and for the County of
Washington be and the same is hereby docketed and dis-
missed with costs, and that this cause be and the same
is hereby remanded to the said Circuit Court for further
proceedings to be had therein in conformity to law and
justice the said appeal notwithstanding.

On the 3d Jan. 1834.

William H. Swann Appt
vs
George C. Dixon and
John H. Dixon

On appeal from the Circuit Court
of the United States for the District
of Columbia holden in and for the
County of Alexandria.

The Deputy of Clerk of the
Appellees having filed and read in open Court the following
certificate, to wit:

District of Columbia Alexandria County. to wit October Term 1833.
George C. Dixon and John H. Dixon. Complts
appt
vs
William H. Swann. Deft.

Friday January 13th 1871 Continued.

I Cassius F. Lee, Clerk of the United States Circuit Court of the District of Columbia for Alexandria County, do hereby certify that on the 21st day of October 1870, this cause came on to be heard and a final decree was pronounced in favor of the complainants by J. and for R.C. Winn, from which decree the defendant R. Winn prayed an appeal to the Supreme Court of the United States, which was granted by the Court upon his giving bond &c.

In Testimony whereof I have hereto subscribed my name and affixed the Seal of said Court this 9th day of January A.D. 1871.

Cassius F. Lee. C.C.C.

And having shown that the appellant has altogether failed to file the record of said case in this Court, or in any way to prosecute said appeal, now, for, more the Court in pursuance of the 4th Rule of this Court in such appeal docketed was dismissed. On consideration whereof, It is now here ordered and decreed by this Court that this appeal from the Circuit Court of United States for the District of Columbia holden in and for the County of Alexandria be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for

further proceedings to be had therein in conformity to law and justice, the said appeal notwithstanding

Mr. Mr. Ch. Jus. Taney.

	Ewan & Hunt plff in Er. vs Hunt & Tunnell	This cause was submitted to the Court on printed argument by Mr. Bell on behalf of the defendant in Error
6.	Ewan & Hunt plff in Er. vs Hunt & Tunnell	The cause was submitted to the Court on printed argument by Mr. Bell on behalf of the defendant in Error.
24.	Ewart & Mayberry plff in Er. vs Samuel K. Thompson	The cause was submitted to the Court on the record and printed arguments by Messrs Sherman & Brockenbrough of Counsel for the plaintiff in Error and by Mr. Morgan on behalf of the defendant in Error.
51	John L. Stockton & al vs plff in Er. John R. Lew	On motion of Mr. Grant of Counsel for the defendant in error, It is now here ordered by the Court that the motion

5498.

Friday January 15th 1841 Continued

to dismiss the writ of error and filed in the case to read the same & hereby set down for argument on next Friday the 22d instant

Mayors Bank of Washington vs The United States, on rel James Grant.	On motion of the Counsel for the defendant in error It is ordered by the Court that the motion to dismiss the writ of error and filed in the case to read the same & hereby set down for argument on next Friday the 22d instant.—
534	
Lewis Curtis et al Trustees &c. vs John & James Sweeney	The argument of the motion to dismiss the appeal was commenced by Mr Mitchell in behalf of the motion.
60.	

Proclamation being made the Court is adjourned until Monday morning at eleven o'clock

Monday January 8th 1816

William Lee appeared in Court and took the oaths of the Office

Present

The Honorable	Bushrod Washington	Chief Justice
	John Todd	
	James Duane Wayne	
	John Coburn	Associate
	Thos. Todd	Justices
	Samuel Johnston	
	Gabriel Duvall	
	Joseph Story	
Alexander	Dallas Esquire District Attorney	
William	Thomas Carver Clerk	

Nicholas Longmore the Court is adjourned

The United States of America	In error to the Circuit Court
vs	of the United States for the East
The Executors and Company of the Bank of the United States	ern District of Pennsylvania

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Eastern District of Pennsylvania and was

Monday January 18th 1847. Continued.—

argued by Counsel. On consideration whereof, It is ordered and adjudged by this Court that the judgment of the Said Circuit Court in this cause be and the same is hereby reversed, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to that Court to award a venire facias de novo, and for further proceedings to be had therein in conformity to the opinion of this Court

Per Mr Justice Catron

(Sitting Mr Just: McLean & Mr Just: Grier)
(Mr. Chief Just: Taney & Mr Just Wayne not sit in this case)

61.	Lewis Curtis et al Trustees &c. vs John & James Greenwalt	The argument of the motion to dismiss this cause was continued by Messrs Brown and Webster in support of the same

On motion ordered that the Court do adjourn until to morrow morning at eleven O'Clock

Tuesday January 10th 1871

Pursuant to adjournment the Court met this morning at the Capitol

Present

E. Kennedy	Hon. E. Darwin	Chief Justice
	John Watson	
	James McMaynes	
	John Cohen	Associate
	Elias P. Cramer	Justices
	Samuel Nelson	
	Ira Harding	
	Abel A. Lee	
Abram Gansevoort		Crier
William Thomas		Marshal
Nathan Sheldon		Clerk

Proclamation being made the Court is opened

John F. Barry Esq. vs.	In error to the Circuit Court of the United States for the Southern District of New York
Mary Ann Barry	

The same cause coming on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of New York and argued by Counsel. On consideration thereof it is

Tuesday January 11th 1853 Continued

were not ordered and adjudged by this Court that the same be and the same is hereby dismissed for the want of jurisdiction.—

Jas. Mc Lin Jus Supr.

Matthias Bruen Plff in Er. vs James G. H. Ellis et al	It appearing by affidavit to the satisfaction of this Court that the plaintiff in error above named had departed this life and that Herman Bruen, Alexander H. Bruen and William Pennington are the Executors of the last will and testament of the said Matthias Bruen ordered that the death of the said Matthias Bruen be suggested on the record and that the said Herman Bruen, Alexander H. Bruen and William Pennington Executors of the last will and testament of the said Matthias Bruen dec'd be and they are hereby admitted as parties plaintiff in error in this cause as Executors of the said Matthias Bruen deceased, and that they have the like benefit and advantage of the writ of error in this cause and of the subsequent proceedings thereon as if the said writ of error had been sued out in the name of them the said Herman Bruen Alexander H. Bruen and William Pennington Executors of the last will and testament of Matthias Bruen deceased, and that the said

124

Tuesday January 19th 1875 Continued

and if not to proceed on on their return at such o-
clock.—

Henry Charles et al Trustees &c vs &c &c John Lamb Lawrence &c	In argument of the motion to dismiss this cause now coming on to be heard in pursuance of the order
Fred Kitchen Appellant &c vs The Bank of New Orleans	The argument of this cause was continued by the Court to the Appellant &c

Proclamation being made the Court is adjourned un-
til tomorrow morning at eleven O'clock.—

Wednesday January 21st 1857

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hamilton Esquire Counsellor
William Thomas Carroll Clerk.

Circumstances being made the Court a Speech

On motion first made to the Court in this behalf by Mr Lipscomb. It is ordered that Wm T. Hamilton Junior & Talbot Esquires of the State of Maryland be admitted as Attorneys and Counsellors of this Court and they are severally hereby accordingly admitted.

Wednesday January 21st 1824 Continued

Charles Leech Chrisman & al Pltffs in Er. vs. Lemuel Wilson	Mr. Bell of Counsel for the Pltffs in Error prays leave to file a Bill of Exceptions & a Transcript of the diminution of the record in this cause; in this, to wit:-

"Be it remembered that on the trial of this cause in the Court below, the Counsel for the Pltffs in Error moved the Court to instruct the Jury that the Deed from Lemuel Chrisman and Esther his wife to Lemuel Leech was void as to the creditors of Lemuel Leech, mentioned in the Bill of Exceptions as parts thereof, as to some one or more of which creditors the said Deed was void, and that the Jury should find for the Pltffs in Error, which instruction the Court refused to give, but instructed the Jury that the said Deed was void as to no creditor of Lemuel Leech, to which opinion of the Court the Counsel for the Pltffs in Error excepted, and prayed the Court to sign and seal this their Bill of Exceptions, which is done accordingly.

And now at this day, to wit, the 21st day of January in the year aforesaid, came the parties aforesaid by their Counsel aforesaid, and the Bill of Exceptions aforesaid, tendered by the Pltffs in Error, was presented to the Court here, and is signed, sealed and ordered to be recorded, which is done accordingly in the words and figures following, to wit:-

"Be it remembered that on the trial of this cause in the Court below, the Counsel for the Pltffs in Error moved the Court to instruct the Jury that the Deed from Lemuel Chrisman and Esther his wife to Lemuel Leech was void as to the creditors of Lemuel Leech, mentioned in the Bill of Exceptions as parts thereof, as to some one or more of which creditors the said Deed was void, and that the Jury should find for the Pltffs in Error, which instruction the Court refused to give, but instructed the Jury that the said Deed was void as to no creditor of Lemuel Leech, to which opinion of the Court the Counsel for the Pltffs in Error excepted, and prayed the Court to sign and seal this their Bill of Exceptions, which is done accordingly.

And now at this day, to wit, the 21st day of January in the year aforesaid, came the parties aforesaid by their Counsel aforesaid, and the Bill of Exceptions aforesaid, tendered by the Pltffs in Error, was presented to the Court here, and is signed, sealed and ordered to be recorded, which is done accordingly in the words and figures following, to wit:-

Be it remembered that on the trial of this cause in the Court below, the Counsel for the Pltffs in Error moved the Court to instruct the Jury that the Deed from Lemuel Chrisman and Esther his wife to Lemuel Leech was void as to the creditors of Lemuel Leech, mentioned in the Bill of Exceptions as parts thereof, as to some one or more of which creditors the said Deed was void, and that the Jury should find for the Pltffs in Error, which instruction the Court refused to give, but instructed the Jury that the said Deed was void as to no creditor of Lemuel Leech, to which opinion of the Court the Counsel for the Pltffs in Error excepted, and prayed the Court to sign and seal this their Bill of Exceptions, which is done accordingly in the words and figures following, to wit:-

And now at this day, to wit, the 21st day of January in the year aforesaid, came the parties aforesaid by their Counsel aforesaid, and the Bill of Exceptions aforesaid, tendered by the Pltffs in Error, was presented to the Court here, and is signed, sealed and ordered to be recorded, which is done accordingly in the words and figures following, to wit:-

Be it remembered that on the trial of this cause in the Court below, the Counsel for the Pltffs in Error moved the Court to instruct the Jury that the Deed from Lemuel Chrisman and Esther his wife to Lemuel Leech was void as to the creditors of Lemuel Leech, mentioned in the Bill of Exceptions as parts thereof, as to some one or more of which creditors the said Deed was void, and that the Jury should find for the Pltffs in Error, which instruction the Court refused to give, but instructed the Jury that the said Deed was void as to no creditor of Lemuel Leech, to which opinion of the Court the Counsel for the Pltffs in Error excepted, and prayed the Court to sign and seal this their Bill of Exceptions, which is done accordingly in the words and figures following, to wit:-

And now at this day, to wit, the 21st day of January in the year aforesaid, came the parties aforesaid by their Counsel aforesaid, and the Bill of Exceptions aforesaid, tendered by the Pltffs in Error, was presented to the Court here, and is signed, sealed and ordered to be recorded, which is done accordingly in the words and figures following, to wit:-

Wednesday January 22nd 1834 Continued

of arbitrari forthwith to this Court. —

Jas. Mc. Ch. Jus: Taney

111. Scire facias Judgt. in ejectment vs The Lessee of Isaac Adams	The argument of this cause was continued by Mr. Ames for the plaintiff in error and by Mr. Rogers for the defendant in Error.

Proclamation being made the Court is adjourned until to morrow morning at eleven O'clock. —

Thursday January 23d 1845

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

Joel Roberts Poinsett et al.	The argument of this cause was continued by Messrs Wagner
vs	Crane for the appellants and
The State of Rhode Island	concluded by Mr Whipple for the plaintiffs in error

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Friday January 22nd 1847.

Pursuant to adjournment the Court met this morning at the Capitol.

Present. —

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	Smuel D. Wayne	
	John Catron	Associate Justices
	Peter V. Daniel	
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll Esquire		Clerk.

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr. Treasurer Johnston It is ordered that F. W. Bulin Esquire of South Carolina be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly. —

Friday January 28th 1859 Continued

On motion first made to the Court in this behalf by Mr Bacon It is ordered that Wm Lord Esqre of N. York be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Bacon. It is ordered that S. Clinton Hastings Esqre of Iowa be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly. —

Ex parte: In the matter of On petition for a
Rich[d] Lucas Morgan Habeas Corpus.

Mr Bacon moved the Court and read in open Court the petition of the aforesaid Richard Lucas Morgan now here praying the Court for a writ of Habeas Corpus as prayed for in the aforesaid petition, to be directed to the Marshal of the Southern District of New York commanding him forthwith to have the body of petitioner with the cause of his detention — Whereupon this Court not being now here sufficiently advised of and concerning what order to render in the premises but time to consider —

Sunday January 27th 1845 continued.

27.	The New Jersey Steam Navigation Company appellants vs The Merchants Bank of Boston	The argument of this cause was commenced by Mr Evans for the appellant
131	The Miners Bank of Dubuque appellants vs Griffith & al The St Louis & Mt. Ste Genev. Ins. Co.	On motion of Mr Hastings of Counsel for the appellant ordered by the Court that leave be and the same is hereby granted him to file additional reasons for dismissing this writ of error, and that the said motion be set down for Friday next the 29th instant.

Proclamation being made the Court is adjourned until Monday morning at eleven O'Clock.

Monday January 25th 1841

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

The Chief Justice announced that he was prepared to deliver the opinion of the Court in the case of The Merchants Bank of Boston	The argument of this cause was continued by Mr Adams for the defendant

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Tuesday January 26th 1847

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened

John L Cairns Esquire a Counsellor of the Court of the United States for the Southern District of Mississippi

&

Abram G. Summers

Esquires came into the Court and it appearing from the Circuit Court of the United States for the Southern District of Mississippi that the said John L Cairns Esquire has been duly admitted by said Court as an Attorney and Counsellor of said Court it is ordered that the said John L Cairns Esquire be admitted as an Attorney and Counsellor of this Court

5.

Tuesday January 26th 1858 Continued

of Errors &c as on motion aforesaid. It is ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

(Signed) Jno. Mc. Lean

(Dissenting Mr. Justice Daniel, McLean and Grier).

John L Ware surviving partner of the firm of Ware & Harris

vs

Isaac I Hunt

Error to the Circuit Court of the United States for the South ern District of Illinois.

This cause came on to be heard on the transcript of record from the Circuit Court of the United States for the Southern District of Illinois and was argued by counsel. On consideration whereof, It is now ordered by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo.

(Signed) Jno. Mc. Lean

(Dissenting Mr. Justice Daniel, McLean and Grier).

5345

Wednesday January 26th 1842 Continued

Christopher Fest appt 17. vs Archibald Douglass and Maxwell H. Bland and Emeline his wife	On appeal from the District Court of the United States for the Eastern district of Louisiana

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Eastern District of Louisiana and was argued by Counsel On consideration whereof It is ordered and decreed by this court that that the decree of the said District Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said District Court with directions to that Court that all further proceedings in the three pragraphs and exceptions to said as it respects the property sold in said proceedings that the Appellants have leave to file a cross bill and to take such further proceedings thereon as he may be advised - and that such further proceedings be had in this cause, in conformity to the opinion of this Court, as to law and justice shall appertain

Jos M Curtis Justice

Tuesday January 28th 1851 Continued.

John I Nolan, Charles Carleton & William M. Stewart, partners under the name and Style of Nolan, Carleton, & Co. vs. Henry Parish, Daniel Parish, John D Marshall Sam'l Seaman, Edward Parish & Henry K. Mills partners under the name & Style of Parish, Marshall &c. - appeal

26. (U) 85

John I Nolan, John D Lipscomb, Absalom Harden, Servys I Nolan and Chas D his wife

On appeal from the Circuit Court of the United States for the Southern District of Alabama

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel - On consideration whereof, It is ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed therein conformably to the opinion of this Court.

Per Mr Justice Daniel

3316. Thursday January 26th 53d continued

The Bank of Commerce Complt vs The Commercial Bank of Boston	The argument of the cause was continued by Mr Ames for the Defendant

Proclamation being made the Court adjourned until to morrow morning at eleven O'Clock

Wednesday January 24th 1844

Pursuant to adjournment the Court met this morning at the Capitol

Present

Jn Kennedy	Hugh L Lawry	Chief Justice
	John Catron	
	James H. Mapes	
	John Catron	
	Peter J. Daniel	Associate
	Samuel Nelson	Justices
	Jno McKinley	
	Robert C. Grier	

Alexander Hamilton Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion just made to the Court in this behalf by Mr Sargeant - It is ordered that Davis S. Kaufman Esquire of Texas be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Wednesday January 27th 1841 Continued

24.	Isaac S. Mayberry Plff in Er vs James M. Thompson	In error to the Circuit Court of the United States for the Southern District of Alabama.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of Alabama and was argued by Counsel On consideration whereof It is now ordered and adjudged by this Court that this cause be and the same is hereby dismissed for the want of jurisdiction.

Per Mr Ch. Just. Taney.

25.	The New Jersey Steam Navigation Comp vs The Merchants Bank of Boston	In argument of this cause was continued by the Counsel for the appellant.

The adjournment being made the Court is adjourned until to morrow morning at eleven O'Clock.

Pursuant to adjournment the Court met this morning at the usual hour.

Present.

The Honorable	Tyler B. Chase	Chief Justice
	John Taylor	
	James D. Hayes	
	John Cotton	Associate
	Chas. L. Cannon	Justices
	Samuel Allen	
	Lee Woodbury &	
	Edward Lee	

Alexander Hunter Esquire Marshal

William Bennet Esquire Clerk

Proclamation being made the Court is opened

The Merchants Bank of Baltimore	Argument of this cause was continued by Mr. S. H. Chase for the appellee
vs.	
Jacob Hagerstown	

Proclamation being made the Court is adjourned until the hour of ten tomorrow morning.

3520

Friday January 25th 1841

Adjourned to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Mayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

On motion first made to the Court on this morning by the Attorney General It is ordered that Samuel Cabell Esq. of Pensylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Friday January 20th 1847 - Continued -

Joseph Webster Plff in Err vs Hugh J. Ewing	In Error to the Supreme Court for Jefferson County.

Mr Stanbery of Counsel for the defendant in Error coming into Court and read in open Court the following assignment of errors -

"United States of America
"Joseph Webster Plaintiff in Error
against
Hugh J. Ewing Defendant in Error

Jefferson County ss.
Writ of Error to the judgment of the District Court of Jefferson County. -

I George S. Hamilton Clerk of the Supreme Court for Jefferson County do hereby certify that in the above entitled cause a judgment was rendered at the January Term A.D. 1846 of the said Supreme Court for the County aforesaid affirming the judgment of the District Court of said County, and that on the 31st day of January A.D. 1846 the said Joseph Webster the Plaintiff in error sued out a writ of error to said judgment to remove the above entitled cause to the Supreme Court of the United States which writ of error issued as a supersedeas on said judgment, and is returnable to the first day of the next term of said Court to be holden on the 1st Monday in December next at Washington City.

1550

Friday January 29th 1847 Continued

Seal

In Testimony whereof I have hereunto set my name and affixed the Seal of the said Supreme Court, at Iowa City this 25th day of September A.D. 1846.

Jas J Hampton Clerk of the Supreme Court Iowa Territory.

and suggesting that the Plaintiff in Error has neither caused to be filed the record of said cause in this Court, or in any way prosecuted said writ of error, upon motion of the Court in pursuance of the 28th rule of this Court it is ordered that the writ of error be dismissed and dismissed - On consideration whereof, It is now here ordered and adjudged by this Court that the writ of Error to the Supreme Court of Iowa Territory be and the same is hereby dismissed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court for further proceedings to be had therein in conformity to law and justice, the said writ of Error notwithstanding -

(To the Ch Just Supreme Ct)

Friday January 26th 1827 Continued.

John B. Shepherd et al " " Offrs &c John Madison	The motion to enforce this rule of ct on motion of the Sheriff of Jefferson to attend &c with the papers in the case of Jno B. Shepherd et al vs John Madison be & the same is hereby overruled
The Mann. Bank of Virginia " " " The Bank of Potomac	The motion to dismiss the writ of error in this case for want of bail in the Court below be & the same is hereby overruled
The Rev. Andrew Moore Exr &c " " " The Executors of Carter	The argument of this cause was continued by the Court for the next term

The Court then being ready the Court is adjourned until Monday morning at 10 o'clock

1824

Monday. January 1st 1825

Court met pursuant to adjournment. Present the Court this morning at the Capitol

Present

The Honorable	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Benjamin Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Bell. It is ordered that Benjamin S Ewin Esquire of the District of Columbia be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Whipple. It is ordered that John Taylor Esquire of New York be admitted to practice as an Attorney and

Chancellor of the Court and he was duly sworn accordingly

Laurent St Pierre, admr de Louis Mont with the will annexed of Laurent Lange and

vs

William Taylor, George Taylor, William Primrose & Hope his wife George Parker & Elizabeth his wife Wm Ramey Alex Ramey and Elizabeth Ramey

On appeal from the District Court of the United States for the Northern District of Alabama

This cause came on to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama, and was argued by Counsel. On consideration whereof, It is now here ordered and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum

per Curiam Wheaton

William Taylor George Taylor, William Primrose & Hope his wife George Parker & Elizabeth his wife Wm Ramey Alex Ramey and Elizabeth Ramey

vs

Laurent St Pierre, admr de Louis Mont with the will annexed of Saml Lange and

On appeal from the District Court of the United States for the Northern District of Alabama

This cause came

Monday February 1st 1847. Continued.

or to be heard on the transcript of the record from the District Court of the United States for the Northern District of Alabama and was argued by Counsel on consideration whereof, this Court having affirmed the decree of the said District Court in this cause on the appeal of the respondents at the present term. It is now hereby ordered and decreed by this Court that the appeal of the Complainants be and the same is hereby dismissed with costs.

Mr. Mc. Jus: Woodbury. —

The Am. Insurance Steam Nav. Co. Appt	The argument of this cause was continued by Mr. Webster for the Appellee.
2d vs.	
The Merchants Bank of Boston	

Proclamation being made the Court is adjourned until to morrow morning at eleven O'Clock. —

Tuesday February 2nd 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Marshall	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
	Alexander Hunter Esquire Marshal	
	William Thomas Carroll Clerk	

Proclamation being made the Court is opened.

33	Haybrook H. Gear appt vs Thomas J. Parish	This cause was submitted to the Court on the record and printed arguments by Mr Bruce for the appellant and by Mr Magruder for the appellee.
31	Albert G. Greathouse admr &c appt vs William G. Sims	This cause was submitted to the Court on the record & printed arguments by Mr Carr for the appellants and by Mr Boyle for the appellee.

1828.

Tuesday February 3rd day Continued.

Samuel K. Swift. applt 32. v. Manuel & Harrison & al.	This cause was submitted to the Court on the printed arguments by Mr Southmayd for the appellants and by Mr Webster for the appellees
The New Jersey Steam Nav. Comp.y 27. v. applt The Merchants Bank of Boston	The argument of this cause was continued by Mr Webster of Counsel for the appellee.

Proclamation being made the Court is adjourned until to morrow morning at eleven O'Clock.

Wednesday February 2nd 1842

Pursuant to agreement the Court met this morning at the Capitol

Present

The Honorable	John McLean	
	James M. Payne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Thomas Parke Esqr Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion of Mr Ewing it is ordered that Lewis Burton Esquire of New York be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

Theodore Sedgwick et al. appellants vs John Swift et al	On motion of Mr Ewing of Counsel for the appellants and with the assent of the Attorney of

Wednesday February 3rd 1830 continued

Counsel for the respective. It is now ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Ezekiel Richards Jun. Plff in Er 126 Samuel Kinsey	On motion of the Comp of Counsel for the defendant in error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Isaac Pistell Plff in Er 127 Mary D Pearsall	On motion of the Comp of Counsel for the defendant in error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court

Adam L Mott Plff in Er 128 Simon Stoddard Def	On motion of the Comp of Counsel for the defendant in error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court. —

Wednesday February 21st Continued

119	William J. Vans plff in Er. v. William Craig	The cause was submitted to the court on the record and printed arguments by Mr Bates for the plaintiff in error and by Mr Underwood for the defendant in error.
120	The United States plff v. Ephraim Briggs	The cause was submitted to the Court on the record and printed arguments by Mr Stone and Mr Attorney General for the plaintiff and by Mr Bates for the defendant. —
97	The Sea City Steam Boat Comp. Appt. v. The Merchants Bank of Boston	The argument of this cause was continued by Mr Wright for the appellant

Adjournment being made the Court is adjourned until to morrow morning at Eleven O'Clock.

1832.

Thursday February 2d 1837

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Also present: Hamilton Fish Esquire Marshal
William Thomas Carroll Esq. Clerk.

Proclamation being made the Court is opened.

The New Jersey Steam Nav. Com.			The argument of this cause
vs		appl	was concluded by Mr. Ogden
The Merchants Bank of Boston			for the appellant.

Proclamation being made the Court is adjourned until to morrow morning at eleven o'clock.

Friday February 5th 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Henry Wheaton Esquire Marshal
William Thomas Carroll Esquire Clerk

Proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Col. Jones - It is ordered that S. S. Burr Esquire of Iowa be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

Friday February 5th 1847 Continued

James Sears plff in er vs The City of Boston	The argument of this cause was commenced by Mr Choate for the plaintiff in error.
Charles Fullerton. appt vs Edmund Quincy & wife	On motion of Messrs Hallett and Sears of Counsel for the appellee and upon the assent of the Bench of Counsel for the appellants It is now here ordered by the Court that this cause be set down for argument on Monday next the 8th instant.

Proclamation being made the Court adjourned until Monday Morning at eleven O'Clock.

Monday February 8th 1841.

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice.
	John McLean	
	James M. Wayne	
	John Catron	Associate
	John P. Kennedy	Justices.
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

James Ferris. plff in Er	The argument of this cause was continued by Mr Chase for the Plaintiff in error and by Mr Ferris for the defendant in error.
vs	
The City of Boston.	

3336

Monday January 8th 1855 Continued

William S. Pinto Jeffries & ux vs William Dwight	This cause not having been submitted in conformity to the rules of this Court. It is therefore ordered that the Court decline receiving and considering the same at the present term. —

Proclamation being made the Court is accordingly until tomorrow morning at Eleven O'Clock. —

Tuesday February 9th 1847.

Whereupon the Court met this morning at the Capitol.

Present.

The Venerable	John McLean	
	James M Kayne	
	John Catron	Associate
	Peter V Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier.	
Alexander Hunter Esquire		Marshal
William Thomas Carroll Clerk		

Proclamation being made the Court is opened.

Samuel S Lyle Complt & Appt	On appeal from the Circuit
vs	Court of the United States for
Moses Mayer, Isaac Cameron &	the Southern District of Mis-
John R Nicholson.	sissippi.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On consideration whereof it is now ordered

Mc Dan[illegible] January 9th 1837 Continued

ordered, and decreed by this Court that the decree of the Circuit Court in this cause be and the same is hereby affirmed with costs.

Ch. Mc Lean Clerk.

James McBride
No 10 of
Jan Term 1837
vs
William Heed.

Mr Sawyer has this day moved the Court for leave to withdraw from the files of the Court an original decree from Theophilus S. Ware & William Clarke of the 3d July 1821 and a receipt endorsed thereon by Robert Stewart, Executor dated 11th June 1822 which were filed in this cause on the trial thereof. On consideration whereof, It is now here ordered by the Court that leave be and the same is hereby granted as prayed for on the condition that a true copy thereof duly authenticated be left on their stead on the files of this Court, and that the Clerk do take a receipt on the delivery of the said papers and file the same together with a copy of this order with the records of said cause.

Ch. Mc Lean McLean.

Tuesday February 25 1817 Continued.

James Sever Jeff'r &c. vs The City of Boston.	The argument of this cause was continued by Sam'l Dexter for the Pl'ff & by Daniel Webster for the Def't & then

Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Wednesday February 11th 1846.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

Nathaniel Jeff'ys et al vs The State of Ohio	The argument of this cause was commenced by Mr Groves for the plaintiff in error, continued by Mr Stanbery for the defendant in error and concluded by Mr Groves for the plaintiff in error.

Proclamation being made the Court adjourned until tomorrow morning at eleven O'Clock.

Thursday February 11th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

By
10 o'clock.

The Honorable	John McLean	
	Samuel H. Wayne	
	John A. Campbell	Associate
	Samuel Nelson	Justices
	John Woodbury	
	Robert C. Grier	

Abraham Rencher Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

John Scott and Jeffries Wyman vs The Boston & Worcester Rail Road Corporation	Argument of this cause was commenced by Jer Woodbury for the plaintiffs in error and continued by Jno Gilmer for the defendant in error and concluded by Jer Woodbury for the plaintiffs in error.

Proclamation being made the Court adjourned until to morrow morning at 10 o'clock.

Friday February 12th 1841.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	John McLean.	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk.

Proclamation being made the Court is opened.

On motion filed made to the Court in this behalf by Mr Tilton. It is ordered that Samuel L Tilton Esquire of New York be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly.

Ex parte: In the matter of Nicholas L Bolyer

In argument of the motion for a Rule to Show Cause why an attachment should not issue against the defendant for contempt of this Court in disobeying a writ of injunction issued against the defendant

Proclamation being made the Court is adjourned until Monday morning at eleven O'Clock.

Monday February 15th 1841

Sundays & adjournment the Court met this morning at the Capitol

PRESENT

The Chief Justice	John McLean	
	James M Kinley	
	John Catron	Associate
	Peter V Daniel	Justices
	Samuel Nelson	
	Levi Woodbury &	
	Robert C Grier	
Alexander Hunter Esquire Marshal		
William Thomas Carroll Clerk		

Proclamation being made the Court is opened

On motion first made to the Court on this behalf by Mr J R Ingersoll - It is ordered that Augustus S Hall Esquire of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

On motion first made to the Court on this behalf by Mr Webster - It is ordered that William M Evarts Esquire of New York be admitted to practice as an

Monday January 3d 1847. Continued . .

Attorney and Counsellor of this Court made and sworn as accordingly

The United States Complt vs The City of Chicago	On motion of the Attorney General of the United States for the Complainant & upon the consent of the Counsel of the Defendant & it is ordered by the Court that the cause be and the same is hereby continued to the next term
Et Contra In the matter of Archibald D Mulgan	The argument of the motion for a Habeas Corpus was continued by Counsel against the same, and concluded by Mr Coe in support of the motions.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Tuesday February 16th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	James M. Wayne	Associate Justices
	John Catron	
	Peter V. Daniel	
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened

George L. Upton admr of Albert G. Smith - Appellant vs William D. Lord	On appeal from the Circuit Court of the United States for the South. ern District of Mississippi.

50.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel - On consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in

Tuesday February 16th 1841 Continued

that cause be now the same is hereby ordered with costs.
for the Jus. Daniel

Charles Patterson Apltt vs Edmund T. Saunders	The argument of this cause was commenced by Mr Way for the apltt

On motion first made to the Court on this behalf by Mr Campbell - It is ordered that James Humphreys Esqr of New York be admitted to practice as an Attorney and Counsellor of this Court and he was duly accordingly.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Wednesday January 17th 1827

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	James M. Mayre	
	John Catron	
	Peter V. Daniel	Associate
	Samuel Nelson	Justices
	Jno Woodbury	
	Robert C Grier	
Alexander Hunter Esquire		Marshal
William Thomas Carroll		Clerk

Proclamation being made the Court is opened.

Charles Pattison - 1844 3. vs Edmund P. Gaines & ux	The argument of this cause was continued by Mr Mayo for the defendant.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Thursday January 18th 1844.

Court to commence the Court met this morning at the Capitol.

Present

The Honorable	James M Wayne John A Campbell Samuel Nelson Levi Woodbury Robert C Grier	Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

Charles Pattison - appellant vs Edmund P Lunns et ux	On account of the cause not continued by Mr Simons for the appellee

Proclamation being made the Court is accordingly adjourned until nine o'clock

Friday January 19th 1847

Pursuant to adjournment the Court met this morning at the Capitol.

Present.—

The Honorable	John McLean	
	James M. Wayne	
	Peter V. Daniel	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	
Alexander Hunter, Esquire Marshal		
William Thomas Carroll Clerk.		

Proclamation being made the Court is opened.—

John M. Yarborough, Executor and Isaac Shultz — appts vs The Bank of the State of Ga — ins etal.	Mr Johnson of Counsel for the appellees having stated the death of John M. Yarborough one of the appellants in this cause moved the Court to dismiss this appeal under the 25th rule of Court. On consideration whereof. It is now here ordered by this Court that unless the proper representatives of the said John M. Yarborough deceased, shall voluntarily come in and

former parties within the first ten days of the ensuing term of this Court, then that the said appellees shall be entitled to have the appeal dismissed: Provided that a copy of this order shall be printed in a newspaper at the Seat of Government in which the laws of the United States shall be printed by authority for three successive weeks, at least sixty days before the beginning of the next term of this court

John M. Yarbrough Executor &c and Wm Shultz — Appellants

1795. vs

The Bank of the State of Georgia et al

Mr Johnson of Counsel for the Appellees having suggested the death of John M. Yarbrough one of the Appellants in this cause, moved the Court to dismiss this appeal under the 25th rule of Court &c consideration whereof, It is now here ordered by this Court that unless the proper representatives of the said John M. Yarbrough, deceased, shall voluntarily come in and become parties within the first ten days of the ensuing term of this Court, then that the said Appellees shall be entitled to have this appeal dismissed: Provided that a copy of this order shall be printed in a newspaper at the Seat of Government in which the laws of the United States shall be printed by authority for three successive weeks at at least sixty days before the beginning of the next term of this Court.

Friday February 19th 1847 Continued

113	John C. Page's admr vs Thos W. Page	the Atty of Counsel for the Appellee having suggested that a writ of certiorari was moved for by the Appellant and was granted and issued on the 29th Decr last and that no return has yet been made thereto, moved the Court to direct a return on or before the 1st of August next. On consideration whereof, it is now ordered by the Court that said writ of certiorari be returned on or before the 1st day of August next. And it is further now here on the motion of Mr Allen and with the assent of Mr Evans of Counsel for the Appellant, ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.
31	Martin Sutherlin pltff in Er vs Sutherlin M. Borden & al.	On motion of Mr Ballard of Counsel for the plaintiff in error and with the assent of Mr Bennett of Counsel for the defendant in error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court
115	Rachel Sutherlin Compt vs Sutherlin M. Borden & al	On motion of Mr Ballard of Counsel for the Complainant and with the assent of Mr Bennett of Counsel for the defendants. It is now

Friday February 19th 1847 Continued

have ordered by the Court that this cause be and the same is hereby continued to the next term of this Court—

Thomas W. Dorr pltff in Er vs The State of Rhode Island	On motion of Mr Ballett of Counsel for the plaintiff in Error and with the assent of Mr Bosworth of Counsel for the Defendant in error. It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court..

170

William H Irwin appellant vs George Dixon et al	Mr Carr of Counsel for the Appellant having stated to the Court that the said appellant was prepared to file the record and docket the appeal in conformity to the rules of this Court, moved the Court to vacate and annul the order and decree made by this Court docketing and dismissing the Appeal in this cause on a previous day of the present term (to wit on the 15th day of January last) and for leave to file the record and docket the appeal &c whereupon it is now here ordered by the Court that the decree of this Court docketing and dismissing the Appeal with costs entered on a previous day of the present term of this Court, to wit, on Friday the 15th

Friday February 19th 1847. Continued

of January past be and the same is hereby rescinded and annulled upon the payment of the costs by the defendant and upon his having his name filed and said decree in conformity to the rule of this Court.

Jn. Mc Lean Jud: Wayne

3	Charles Fullerton - Appt vs Edmund P. Gaines & wife	The argument of this cause was continued by Mr Johnson for the appellees.

Proclamation being made the Court adjourned until Monday next at eleven o'clock.

Monday February 22nd 1819.

pursuant to adjournment the Court met this morning at the Capitol

Present

The Chief	James Tho. Mason	
	Bushrod Washington	
	Samuel Nelson	Associate
	Gabriel Duvall	Justices
	Robert Trimble	
Alexander Hunter Esquire Marshal		
William Thomas Carroll Clerk.		

proclamation being made the Court is opened.

On motion first made to the Court on this behalf by Mr Attorney General. It is ordered that Garrick Parker Esquire of Mississippi be admitted to practice as an attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Wirt. It is ordered that Henry F. Elliott Esquire of Mississippi and Thomas M. Pettit Esquire of Pennsylvania be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

5556.

Monday February 22nd 1847 Continued.

8.	Malinda Ewing &c vs The State of Ohio	In error to the Supreme Court of the State of Ohio.

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court of the State of Ohio affirming that of the Court of Common Pleas in this cause be and the same is hereby in all things affirmed with Costs.

Pr. Mr. Justice Daniel.

9.	Charles Patterson appt vs Edmund P. Lewis & wife	The argument in this cause commenced by Mr. Lewis for the appellees

proclamation being made the Court is adjourned until to morrow morning at eleven O'Clock.

Tuesday February 23rd 1847.

Pursuant to agreement the Court met this morning at the Capitol

Present

The Honorable	James M. Wayne Peter V. Daniel Samuel Nelson Levi Woodbury Robert C. Grier	Associate Justices

Alexander Hunter Esqr. Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Stephen H. Gear Appt vs Thomas L. Winch	On appeal from the Supreme Court for the Territory of Wisconsin.

53.

This cause came on to be heard on the transcript of the record from the Supreme Court for the Territory of Wisconsin and was argued by Counsel. On consideration whereof. It is now here ordered and decreed by this Court that the decree of the said Supreme Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court with directions to that Court to dissolve

Tuesday February 23d 1847 Continued

the injunction granted in this case and to dismiss the bill of the Complainant with the costs of Suit —

Jas Nelson

Charles Patterson - appt vs Edmund W. Haines & wife	The argument of this cause was continued by Mr Jones for the appellees and by Mr Brent for the appellant

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock. —

Wednesday February 24th 1841

Court to adjourn the Court past this morning at 10 Oclock.

Present

Ch. Carroll	James M. Wayne Wm. D. Cranch Samuel Archer Jno. Mackay Jr. Robert S. Coxe	Associate Justices.

Alexander Hunter Esqr Marshal
William Thos. Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Brent It is ordered that Samuel M. Summers and Fenge A. Fraser Esquires of Maryland be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

3.	Charles Pattison Appt vs Edmund P. Lines & wife	The argument of this cause was commenced by Mr Brent for the Appellant.

Proclamation being made the Court is adjourned until 10 oclock tomorrow morning at Eleven O'Clock.

5560

Thursday February 25th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	
	James M. Wayne	
	John Catron	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	
Alexander	Hunter Esquire	Marshal
William	Thomas Carroll	Clerk

Proclamation being made the Court is opened

The Commercial Bank of Cincinnati plff in Er vs Eunice Buchanan's Exr	The argument of this cause was commenced by Mr Stanbery for the plaintiff in error and continued by Mr Conrad for the defendant in error.

54.

Thursday February 23rd 1854 continued.

Ezekiah Smith Pltff in Error pr William Hamlin Executor &c	On motion of the Counsel of Counsel for the Plaintiff in Error and with the consent of Mr Stanbery of Counsel for the defendant in Error It is now here ordered by the Court that this cause be and the same is hereby continued to the next term of this Court.

Proclamation being made the Court is adjourned until to morrow morning at Eleven O'Clock.

Friday February 26th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John McLean
James M. Wayne
John Catron
Samuel Nelson
Levi Woodbury
Robert C Grier
} Associate Justices

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Elfin. It is ordered that Horace Hawes Esquire of Pennsylvania be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

Ex parte: In the matter of Nicholas Lucien Metzger

On petition for a writ of Habeas Corpus.

On Motion of Counsel for the petitioner having filed and read in open Court the petition of the aforesaid Nicholas Lucien Metzger and

moved the Court for a writ of Habeas Corpus ad faciendum & for an Alias & pluries, to be directed to the Marshal of the United States for the Southern District of New York commanding him forthwith to produce before this Honorable Court the body of the petitioner with the cause of his detention. On consideration whereof, and of the arguments of Counsel thereupon had as well against as in support of the said motion, and after mature deliberation thereupon had, It is now here ordered and adjudged by this Court that the prayer of the petition be denied and that the said motion be and the same is hereby overruled.

Ch. Mc Jus: McLean.

Mr Justice McLean gave notice to the Bar that the Court would adjourn tomorrow week (Saturday the 6th proximo) and that it would not hear any arguments after Wednesday next the third proximo

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George L. Unger admr of Albert S. Smith - appt	On the motion of Counsel for the appellee
56. vs	moved the Court for leave to the
William C. Sims.	Clerk to issue the Mandate in this case, the appellee having paid the costs. Whereupon it is now here ordered by the Court that the Clerk do forthwith issue a mandate in this case.

5564

Friday February 26th 1847 Continued

Ex parte: In the matter of Nicholas Lewis Wilson	Mr Lee on behalf of the Petitioner (whose counsel was absent) moved the Court for leave to the Clerk to issue a certificate of the order and judgment of this Court rendered on this petition this morning upon consideration whereof, It is now here ordered by the Court that the Clerk do forthwith issue a certified copy of said order and judgment forthwith.

In Common Pleas of Hamilton Co. Pltff in Er. vs Eunice Buckingham's Exrs	The argument of this cause was continued by Mr Groves for the defendant in Error and by Mr Wilson for the Plaintiff in Error

No decision being made the Court adjourned until Monday morning at Eleven O'Clock.

Monday March 1st 1847.

Pursuant to agreement the Court met this morning at 10 o'clock

Present

The Honorable [illegible] Associate Judge

[illegible] Associate Judge

[illegible] Associate Judge

[illegible] Associate Judge

[illegible] Associate Judge

Abraham Hunter Esqr. Marshal

William [illegible] Esqr. Clerk.

Proclamation being made the Court is opened

David C. Wilcox vs [illegible]	In error to the Circuit Court of the United States for the District of [illegible]

The Plaintiff in error [illegible] for the defendant in error having filed and read in open Court the following certified copy of writ of error, to wit:

"United States of

(Seal)

The President of the United States, to the Judges of the Circuit Court of the United States, in and for the Dis.

Monday March 1st 1847 Continued

Writ of Comment. Curtiss

Because, that in the record and process, and also in the rendering of Judgment in a certain Suit lately depending in the Court of Common Pleas within and for the County of Madison, and State of Comment, and Court of Record of the City, County and State of New York, between Defendant in a plea of trespass on the Case, manifest error hath intervened to the great damage of the said Plaintiff, as in his complaint has been stated, and, as it is just and proper that the error, if any there be, should be corrected in due manner, and that full and speedy justice should be done to the parties aforesaid in this behalf, you are hereby commanded, that, if Judgment thereof be given, then, under your Seal, you do distinctly and openly send the record and process in the said aforesaid with all things concerning the same, and this Writ, to that you have the same before the Chief Justice and the assistant Justices of the Supreme Court of the United States, on the first Monday of December next, at the City of Washington, being the present Seat of the National Government, that the record and process aforesaid being inspected, that they may cause to be done thereupon what of right ought to be done.

Witness the Honorable Roger B. Taney Chief Justice of the said Supreme Court at Washington aforesaid,

the Seventh day of October A.D. 1846 and of the Independence of the United States, the Seventy first.

Edwd H. Prentiss
Clerk of the Circuit Court of the United States
for the Vermont District.

Circuit Court of the United States District of Vermont.
Clerk's Office December 21st 1846.

I hereby certify that a writ of error, of which the foregoing is a true copy, was sued out, signed, and sealed in due form, and left with me as Clerk of said Court, by Robert Pierpont, Esq. Attorney of the Plaintiff in Error on the day of the date thereof: and I further certify that the said Robert Pierpont, Attorney as aforesaid, on the same day lodged in this Office a copy of said writ of error for the defendant in Error, with the following words endorsed thereon: "David E. Hunter in this Cause. Copy of a writ of Error lodged in pursuance of the Statute of the United States in such case made and provided, for the above named Asa Francis, defendant in Error. R. Pierpont, Atty for Plff in Error"

Edwd H. Prentiss Clerk of the Circuit
Court of the United States for the Ver-
mont District

and having stated that the said Plaintiff in Error and

Monday March 1st 1847 Continued..

altogether failed to file the record of said cause in this Court, or in any way to prosecute said writ of error now here, moved the Court in pursuance of the 33d rule of this Court to have this writ of error docketed and dismissed. On consideration whereof, It is now ordered and adjudged by this Court that this writ of error to the Circuit Court of the United States for the District of Vermont be and the same is hereby docketed and dismissed with Cost, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice, the said writ of error notwithstanding.

Per Mr Justice McLean

Lewis Curtis et al. Trustees &c
vs
John & James Summerlin

60. Appeals

Wm Westcott moved the Court for a writ of Certiorari in this cause to correct alleged defects in the transcript of the record filed in this cause - which was opposed by Mr Berrien and Webster of Counsel for the Appellants - Whereupon this court being equally divided in Opinion on the motion - It is therefore ordered by the Court that the said motion

and the same is hereby granted.

Daniel B. Lucas Appt vs 52. Nimrod S. Comstock et al	On motion of Counsel for the Appellees leave is ordered that the Clerk of this Court do issue the Citation in the above entitled cause forthwith - Whereupon it is here ordered by the Court that the Clerk do issue a mandate as prayed for.
The Commercial Bank of the vicinity Appt in Error. vs 46. Eunice Buckingham's Exrs	The argument of this cause was concluded by Mr Gilpin for the Plaintiff in Error.
State of Rhode Island Atty Genl vs Commonwealth of Massachusetts	Mr Evans on behalf of the Commonwealth of Massachusetts moved the Court for leave to withdraw from the files of the Court all the papers filed in the cause by direction of the Counsel of said Commonwealth - On consideration thereof, It is now here ordered by the Court that leave be and the same is hereby granted as prayed for, on the condition that the Clerk preserve duly authenticated copies thereof and in their stead on the files of this

Monday March 1st 1847 Continued.

Court, and that he take a receipt on the delivery of the said papers and file the same together with a copy of this order with the record of said cause.

State of Rhode Island
&c. vs. &c.
Commonwealth of Massachusetts.

Mr Whipple on behalf of the State of Rhode Island moved the Court for leave to withdraw from the files of the Court all the papers and on the case by direction of the Counsel of said State for consideration & copy. It appearing to the Court that leave to withdraw the same is hereby granted as prayed for, on the condition that the Clerk first enter upon an endorsement of such things and on the docket in the files of this Court, and that he take a receipt on the delivery of the said papers and file the same together with a copy of this order with the record of said cause.

Lewis Guilstal, Trustee &c
vs. No. Appl.
John & James Community

The argument of this cause was commenced by Mr Wel. for the Appellants

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Proclamation being made the Court is adjourned until tomorrow morning at eleven o'clock.

Tuesday March 9th 1841

Present the Honorable Roger B. Taney Chief Justice
John Baldwin
James M. Wayne
Samuel Nelson
John Mclean
John C. Gray
Henry Baldwin
William Thomas Carroll Clk.

Proclamation having been made the Court is opened

The President Directors Company of the United States Bank of Pennsylvania
vs
Wm. Price use &c.

In the United States Circuit Court

In error to the Supreme Court of the Territory of Iowa.

This cause came on to be heard on the transcript of the record from the Supreme Court of the Territory of Iowa and was argued by Counsel On consideration whereof, and it appearing to the Court here upon an inspection of said transcript that the judgment of the said Supreme Court is not a final one in the cause, it is

154

Tuesday January 18th 1853 Continued

thereupon was fully argued and argued by the Court that this writ of Error be and the same is hereby dismissed for the want of jurisdiction.

Jo. Mc Kinley

The United States Plff in Error vs Ephraim Griggs	On a certificate of division in opinion between the Judges of the Circuit Court of the United States for the District of Michigan.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Michigan, and on the point and question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel - and it appearing to this Court upon an inspection of the said transcript that no point on the case within the meaning of the act of Congress has been certified to this Court - It is thereupon now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law.

Jo. Mc Kinley

Nathaniel S. Mosby & Wm Gardner owners of the Steam Boat De Soto, her tackle apparel and furniture &c &c 46 vs Thomas Clark, late master of the Steam Boat Iowa, and agent of P. Mumford & al. & al. owners of the Steam Boat Iowa her tackle apparel furniture and machinery..	On appeal from the Circuit Court of the United States for the District of Louisiana. This cause came on to be heard on the transcript of the record of the Circuit Court of the United States for the District of Louisiana and was argued by Counsel. On consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six (6) per centum per annum.

Per Mr Justice Wayne

Distributing Justices Daniel, Barbour & Nelson

John G Shelbourne et alls vs 101 vs John Wilson	On consideration of the motion made by Mr [illegible] on a former day of this present term to dismiss this writ of error and of the arguments of Counsel thereupon had as well against as in support of the said motion It is now here ordered by this Court that the said motion

Tuesday March 2d 1847 continued.

be and the same is hereby overruled.

William S Pearson Jun'r		Mr Thompson of Counsel for
104.	vs Complt	the defendants moved the Court
Thomas B Curtis & al		to dismiss and remand this

case because the writ was and not a Court had been entitled to this Court and which was objected by the Managers of Counsel for the Complainants. Whereupon this Court not being now sufficiently advised of and concerning what judgment to render in the premises took time to consider.

Order of Court.

Ordered that the cases involving constitutional questions ordered to be re-argued shall be taken up on the 2d Monday of December next in the order in which they shall then stand on the docket.

James Lowell - Pltff in Er.		It is now here ordered by the
7.	vs	Court that this cause be and
The City of Boston		the same is hereby continued

and that it be re-argued at the next term.

Tuesday March 2d 1847 Continued —

18. George Smith Appt in E. / vs / Wm Evans, Health Com'r &c.	It is now here ordered by the Court that this cause be and the same is hereby continued and that it be re argued at the next term
27. The New Jersey Steam Navigation Company — Appts / vs / The Merchants Bank of Boston	It is now here ordered by the Court that this cause be and the same is hereby continued and that it be re argued at the next term.
61. David Curtis et al Exrs &c. Appts / vs / John & James Summerby	The argument of this cause was continued by Mr Hall for the Appellees

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

5576.

Wednesday March 1st 1837

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable John McLean
James M. Wayne Associate
Samuel Nelson Justices
Levi Woodbury
Peter V. Daniel

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened

William F. Gunnell Executor		It is now here ordered by this
15	pr	Court that this cause be and
Thomas B. Crane & Wife et al		the same is hereby continued to
		the next term of this Court.

Lewis Cantine et al Executors &c		The argument of this cause
66	pr	was continued by Mason West
John F. Lane Executrix		well & Jones for the appellees

Wednesday March 5th 1851 Continued

Cornelius Taylor	In motion of Mr Buchanan of Counsel for the plaintiff in Error. It is ordered by the Court that the Judgment of this Court of the 21st of December last declaring and awarding that out of Error with costs be intended and execution upon the payment of the costs by the plaintiff in Error and upon the filing the record and docketing the cause in conformity to the rules of this Court and provided that he do so during the present term of this Court. Otherwise that the said judgment of the 21st of December last do stand and remain in full force.
253 vs Jeffries &c.	
Second Suit.	

Proclamation being made the Court adjourned until tomorrow morning at Eleven O'Clock.

1848.

Tuesday March 14th 1848.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	John McLean	Associate Justices
	James M Wayne	
	Samuel Nelson	
	Levi Woodbury &	
	Robert C Grier	

Alexander Hunter Esqre Marshal
William Thomas Carroll, Clerk.

Proclamation being made the Court is opened.

On motion ordered that Albert Smith Esqr of New York be admitted to practice as an Attorney and Counsellor of this Court and he was duly sworn accordingly

Curt Peters - Plff in Er.	In error to the Supreme Court of the State of Michigan.
15 vs	
John Lee & others Defendants in Error	This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Michigan
Jenny Ann Smith	

and was argued by Counsel. On consideration whereof it is ordered and adjudged by this Court that the cause be and the same is hereby dismissed for the want of jurisdiction

Opn. Mr Jus: Woodbury

Dissenting Mr Justices McLean & Wilson

Jesse Cunliff & al Justices &c vs. In Error John & Isaac Summerly	The argument of this cause was concluded by Mr Brown for the defendants.

Order of Court

This day came on an alternate Justice of this Court appointed since the last Session. It is ordered that the following allotment be made of the Chief Justice and the Associate Justices of this Court among the Circuits agreeably to the act of Congress in such case made and provided, and that such allotment be entered of record, viz

For the first Circuit. The Honorable Jos Story

For the second Circuit The Honorable Samuel Wilson

For the third Circuit The Honorable Robert Trimble

For the fourth Circuit The Honorable Roger B. Taney Chief Justice

For the fifth Circuit The Honorable John McKinley

For the Sixth Circuit The Honorable James M. Wayne

For the Seventh Circuit The Honorable John McLean

For the Eighth Circuit The Honorable John Catron

For the ninth Circuit The Honorable Peter V. Daniel

Friday March 5th 1847.

Pursuant to adjournment the Court met this morning at the Capitol

Present.

The Honorable	Wm McLean	
	James M. Wayne	
	Samuel Nelson	Associate
	Levi Woodbury &	Justices
	Robt C Grier	

Alexander Hunter Esqre Marshal
William Thomas Carroll Clerk.

Proclamation being made the Court is opened.

The President Directors and Company of the Commercial Bank of Cincinnati Plffs in Er.	Err to the Supreme Court of the State of Ohio.
vs	
Abah Buckingham, Solomon Sturges, and Charles C. Graves, Executors of Samuel Buckingham, deceased	This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Ohio and was argued by Counsel On consideration Whereof, It is now here ordered and adjudged by this Court that this cause be and the same is hereby

46.

dismissed for the want of jurisdiction. —

Ord. Mr Jus Grier

Wharton Jones plff	On a certificate of division in opinion
3rd vs.	between the Judges of the Circuit Court
John Van Zandt	of the United States for the District of
	Ohio.

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Ohio, and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion, and which were certified to this Court for its opinion agreably to the act of Congress in such case made and provided and was argued by Counsel On consideration whereof, It is the opinion of this Court,

1st That, under the 4th Section of the act of 12th February 1793 respecting fugitives from labor and persons escaping from the service of their Masters, on a charge for harboring and concealing fugitives from labor" the notice need not be in writing by the Claimant or his agent, stating that such person is a fugitive from labor, under the 3d Section of the above act, and served on the person harbouring or concealing such fugitives to make him liable to the penalty of five hundred dollars under the act.

2d That such notice, if not in writing and served

Friday March 5th 1847 Continued

as a person may be given verbally by the Claimant or his agent, to the person who harbors or conceals the fugitive was that he charge him under the Statute, a general notice to the public in a newspaper is not necessary.

3d That other proof of the knowledge of the defendant by his own confession or otherwise, that he knew the colored person was a slave and fugitive from labor, though he may have acquired such knowledge from the slave himself, or otherwise is sufficient to charge him with the notice

4th The receiving the fugitive from labor at three o'clock in the morning, at a place in the State of Ohio, about twelve miles distant from the place in Kentucky where the fugitive was held to labor, from a certain individual, and transporting him in a closely covered wagon, twelve or fourteen miles, so that the boy thereby escaped pursuit, and his services were thereby lost to his master, is a harboring & concealing of the fugitive within the Statute.

5th That a transportation under the above circumstances though the boy should be recaptured by his master, is a harboring or concealing of him within the Statute

6th That such a transportation in such a wagon,

whereby the slaves of the boy were entirely lost to his Master, is a harboring of him within the Statute

5th That a claim of the fugitive from the person harboring or concealing him, was not proven or accompanied by notice.

6th That any overt act, so marked in its character as to show an intention to elude the vigilance of the Master or his agent and is calculated to attain such an object, is a harboring of the fugitive within the Statute.

7th That the first and second counts contain the necessary averments that Andrew the Colored man, escaped from the State of Kentucky into the State of Ohio.

8th That said Counts contain the necessary averments of notice that said Andrew was a fugitive from &c &c without the description of the act of Congress.

11th That the averments in said Counts, that the defendant harbored said Andrew, are sufficient.

12th That said counts are otherwise sufficient.

13th That the act of Congress approved February 12th 1793 is not repugnant to the Constitution of the United States.

And

Lastly. That the said act is not repugnant to the ordinance of Congress, adopted July 1787, entitled "An ordinance for the government of the Territory of the United States, northwest of the river Ohio" It is therefore now

5584

Tuesday March 5th 1844. Continued

here ordered and adjudged by this Court that it be so certified to the said Circuit Court of the United States for the District of Ohio.—

Pr. Mr Just: Woodbury.—

Charles Pattison. ux. &c 3. vs Edmund P. Gaines & wife	It is now here ordered by this Court that the cause be continued under the rules & leave to the Counsel on both sides to furnish any number of testimony in the cause on the testimony of the Claimant, and no more to the record.—

George C. Sanford et al 181. vs Affidavit &c. Peleg Sanford	Mr Crittenden for the said Counsel of Counsel for the plaintiff in error having suggested the death of Peleg Sanford the defendant in error, moved the Court for an order under the 8th rule of this Court to make the proper representatives parties in consideration whereof, it is now here ordered by this Court that unless the proper representatives of the said Peleg Sanford shall voluntarily become parties to the suit on or before the first Monday of the ensuing term, the plaintiff in error shall be entitled to open the record and on hearing have the same reversed of the record.

Tuesday March 5th 1844 Continued.

Ordered that a copy of this order shall be printed in some newspaper at the Seat of Government in which the Laws of the United States shall be printed by authority, for three successive weeks, at least forty days before the beginning of the Term of the Supreme Court next ensuing.

James Summerly - Plff in Er vs Thomas Byrne	Mr Bayly of Counsel for the defendant in Error moved the Court to dismiss this cause for the want of a citation therein. Whereupon this Court not being sufficiently advised of and concerning what order to render in the premises took time to consider.

36.

Proclamation being made the Court stands adjourned until tomorrow morning at Eleven O'Clock.

Saturday March 6th 1847.

Supreme Court met the Court met this morning at the Capitol

Present.

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Samuel Nelson	Justices
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Samuel Thurber - Plff in Er.	In Error to the Supreme
No. 11. vs	Judicial Court, holden
The Commonwealth of Massachusetts	in and for the County of
	Essex in the Commonwealth
	of Massachusetts.

This cause came on to be heard on the transcript of the record from the Supreme Judicial Court, holden in and for the County of Essex, in the Commonwealth of Massachusetts and was argued by Counsel. On

consideration Whereof, It is now here ordered and adjudged by this Court that the Judgment of the said Supreme Judicial Court in this cause be and the same is hereby affirmed with costs.

Pr. Mr. Ch: Jus: Taney

Lucius Pierce & Thomas M. Pierce - Pltffs in Er. vs. The State of New Hampshire	In error to the Supreme Court of Judicature, sitting for the first Judicial District of the State of New Hampshire.

This cause came on to be heard on the transcript of the record from the Supreme Court of Judicature & was for the first Judicial District of the State of New Hampshire and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Superior Court of Judicature in this cause be and the same is hereby affirmed with costs. -

Pr. Mr. Ch: Jus: Taney. -

Joel Nichols Pltff in Er. vs. The State of Rhode Island & Providence Plantations	In Error to the Supreme Court of the State of Rhode Island and Providence Plantations sitting at Providence, northern and for

Saturday March 6th 1847. continued.

the County of Providence.—

This cause came on to be heard on the transcript of the record from the Supreme Court of the State of Rhode Island and Providence Plantations under a Certificate within and for the County of Providence and was argued by Counsel. On consideration whereof, It is now ordered and decreed by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with costs.—

Chf. Mr Chf. Just: Taney.—

James Irwin - Plff in Er.	On consideration of the motion
vs	made yesterday by Mr Bagby
Thomas Byrne	to amend this case for the
	want of a citation. It is

the opinion of this Court that a citation is not necessarily a part of the record & forming no part of the proceedings of the Court below. The presumption is that one was issued when the writ of error was allowed and it may be proved aliunde. It is therefore ordered by the Court that the said motion be and the same is hereby refused, and that this cause be and the same is hereby continued to the next term of this Court.—

Saturday March 6th 1847 Continued.

James Burks et al Trustees &c. vs Appt
&c. John and James Immerity

It is now here ordered by the Court that this cause be held under advisement over this term and the same is hereby continued to the next term of this Court.

It is now here ordered by the Court that all the cases on the docket not decided, and all the other business of this term not disposed of by the Court be and the same is hereby continued over to the next term of this Court.

Proclamation being made the Court is adjourned to the time and place appointed by law.

At the Capitol of the United States in the City of Washington and District of Columbia, being the seat of the National Government of the United States on the first Monday of December being the Sixth day of the same month in the year of our Lord one thousand eight hundred and forty Seven, and of the Independance of the United States the Seventy second, the Supreme Court of the United States met agreeably to law.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
	John Catron	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Clerk pro tem.
William Thomas Carroll Clerk

Proclamation being made the Court is opened.

The Chief Justice announced to the Bar, that the Court would commence the call of the

1892.

Monday December 12th continued.

docket under the 36th rule tomorrow.

Proclamation being made the Court is adjourned until tomorrow morning at 10 o'clock.

Pursuant to agreement of Counsel and the consent of the Court

Present

The Hon. [illegible]	The Hon. [illegible]	Chief Justice
	The Hon. [illegible]	
	James M. Wayne	
	The Hon. [illegible]	Associate
	Samuel Nelson	Justices
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esqr. Marshal

William Thomas Carroll Clerk.

Proclamation being made the Court is opened

The Mayor Aldermen and Inhabitants of the City of New Orleans. Pltffs in Er.	On motion of [illegible] Solicitor of the Treasury. It is now here ordered by the Court, that the Clerk of this Court after entering and certifying copies hereof to be preserved in his Office deliver to the said Solicitor for the use of the United States the original writ
No 24 of 1835 v	
Christoval C. De Armas & Samuel Simon Securities	

Tuesday December 9th 1851 Continued

plaintiff and defendant filed in this Court on the
matter of Executive and De. Bonus of New
Orleans, and that the said Clerk take the receipt
of the said Solicitor on a copy of this order

Langham & Boyd - Plffs vs Ephraim L. Taylor -	This cause having been called for a trial and no one appearing) ready to proceed with the same - It is therefore now here ordered by the Court that this cause be and the same is hereby postponed to the foot of the docket under the 36th rule of Court.

John M. Bass et al - Plffs in Er. vs Henry Collingsworth, Sheriff &c	On motion of Mr. Boyd It is now here ordered by the Court that the appearance entered on the docket of this Court for the plaintiffs in Error in this cause be and the same is hereby stricken from the docket.

Error to the Supreme Court of Errors and Appeals for the State of Tennessee.

Jesse A. Smith & Co. & Joseph L. Ellis
v.
Jeffrey & Co. & Henry Rothgarth, Sawyer of Nashville Bkg House & John D. Lewis.

This cause came on to be heard on the transcript of the record from the Supreme Court of Errors and Appeals for the State of Tennessee and the plaintiffs in error having been three times called to come by the Marshal to come into Court and prosecute their writ of error and failed so to do. It is therefore now here ordered and adjudged by this Court that this cause be and the same is hereby dismissed with costs

Mr. Chief Justice Taney

John Glenn & al. plffs in Error
6. vs.
William Mitchell

Upon motion of Counsel for the plaintiffs in Error. It is now here ordered by the Court that this cause be and the same is hereby entered continued by consent of Counsel to the next term of this Court.

1820.

Monday December 25th Continued

Benjamin C. Stansbury Plff in Er vs Thomas Hunsley	The cause was argued by Mr. Dibb of Counsel for the plaintiff in Error
William W. Quin et al. vs C. Carroll of Carrollton	The argument of this cause was commenced by Mr. Dibb for the plaintiffs in Error continued by Mr. Winder for the defendants in Error and concluded by Mr. Dibb for the plaintiffs in Error.
John C. Sheppard et al. vs John Wilson	The argument of this cause was commenced by Mr. C. Carr for the plaintiffs in Error.

The Court then rose and adjourned until Monday morning at eleven O'clock.

Pursuant to adjournment the Court met this [illegible] at the Capitol.

Present.

The Honorable Roger B. Taney Chief Justice

[illegible]

James M. Wayne

John Catron

Samuel Nelson

[illegible]

Robert C. Grier

[illegible]

William Thomas Carroll Clerk

Proclamation being made the Court is opened

On motion first made to the court in his behalf by Luther Davis It is ordered that Benj. Athmun and John D. Healy Esquires of the District of Columbia be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly.

Wednesday January 6th 1841

63.	John B. Shephard & al vs John Wilson	Plff in Er.

The argument of this cause was continued by the Court for the defendant in Error and concluded by Mr. Bell for the plaintiffs in Error.

12.	The United States vs Lewis Daniel & al	Plffs

This cause was argued by Mr. Attorney General for the plaintiffs and submitted on the record by Mr. Badger of Counsel for the defendants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Pursuant to adjournment the Court met this morning at the usual

Present

The Honorable	Roger B. Taney	Chief Justice
	John M'Lean	
	Joseph Story	
	John Catron	Associate
	Samuel Nelson	Justices
	A. Baldwin	
	Robert C. Grier	

Thomas Martin Esqr. Attorney
William Thomas Esqr. Marshal

[illegible]

On motion filed made to the Court on the behalf of the Hon. Alexander Hill Ryan Nicoll Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Court & Collins plff in Error	This cause was argued by
vs	Mr. Gibbs for the plaintiff in
Joseph Stanbaugh	Error.

Thursday December 9th 1841 Continued

17.	[illegible] pl vs [illegible] Defts	The Court here the death of [illegible] plaintiff in error since the last continuance of this cause. Whereupon it is ordered by the Court that the same be and the same is hereby postponed with leave to make the proper representatives parties with liberty to prosecute this writ of error.
18.	Robert Marshall Exr pl vs Susan G. Teale	The Court suggested to the Court the indisposition of Counsel of Counsel for the appellee, and moved the Court to pass this case for the present. Whereupon it is now here ordered by the Court that this cause be postponed to next week.
19.	José Argote Villalobos & ux pl vs Jno L. Stokes.	The motion to dismiss this case was argued by the Attorney General in support of the same.

20.	The United States pffs vs Henry Wells	This cause was argued by Mr. Attorney General for the plaintiffs
21.	Charles Diamond pffs. vs Fredrick H. Summers	This cause having been argued & argument and no counsel appearing ready to proceed with the same. It is therefore ordered by the Court that this cause be and the same is hereby postponed to the first day of the next term under the 36th rule of Court
22.	Ichi D. Eush Appt vs Jacob Marshall & al	On motion of Mr Seward of Counsel for the Appellant. It is ordered by the Court that this cause be and the same is hereby postponed for the pres

Proclamation being made the Court adjourned until the January morning at Eleven O'clock.

Friday December 18th 1835

Court is opened at the usual hour this morning at the Capitol

Present

M. Duvall	Roger B. Taney	Chief Justice
	John M. Lean	
	James M. Wayne	
	John Baldwin	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamations being made this Court is opened.

On motion first made to the Court in this behalf by Mr Dix It is ordered that Peter Livius Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

On motion first made to the Court in this behalf by Mr Lewis It is ordered that James A Green Esquire of Missouri be admitted to practice as

— Attorney and Counsellor of this Court and he was known accordingly.

William Bailey - plff in Er. vs William T. Degier	The argument of this cause was [illegible] by Mr. Webb for the plaintiff in Error continued by Mr. Gillenden for the defendant in error and concluded by Mr. Webb for the plaintiff in Error.

Samuel Lovegrove — plff vs Isaac Lovegrove — Def	This cause coming on to be heard for argument and on motion of the — leave is granted to proceed with the same. It is therefore now here ordered by the Court that this cause be and and the same is hereby postponed to the foot of the docket under the 36th rule of Court.

The Bank of the United States vs Henry D. Lacy & al	This cause was argued by Messrs Wharton & Sergeant for the plaintiffs [illegible]

[illegible] Court having risen the Court [illegible] until Monday morning at Eleven o'Clock

Monday December 5th 1853

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John M'Lean	
	James M Wayne	
	John Catron	Associate
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

Proclamation being made the Court is opened.

On motion first made to the Court in this behalf by Mr Attorney General. It is ordered that H S Sutherlin Esquire of Mississippi S H Anthony Esquire of Maine, be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly

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On motion first made to the Court in this behalf by Mr. Peachy Johnson. It is ordered that Patrick W. Tompkins Esquire of Mississippi be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly

---

On motion first made to the Court in this behalf by Mr. Guillander. It is ordered that Stephen Pleasants Esquire of Madison and Samuel Hogan Esquire of Alabama be admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly

---

28. Richard Pein & wife } Attachment
and
Mary Heath

The argument of this cause was commenced by Mr. Guillander for the Appellants, and continued by Mr. Peachy for the appellee

---

29. William Frances Lucas and Complt
vs
Thomas B. Harris &c & al

On the application of Mr. Hunter of Counsel for the Complainants it is ordered by the Court that leave be and the same is hereby

Monday December 1st 1873 Continued

granted him to withdraw his motion to dismiss this case filed the 2nd of March last.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	Peter V. Daniel	
	James M. Wayne	
	John Catron	absent
	Samuel Nelson	"
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

proclamation being made the Court is opened

On motion first made to the Court in the behalf by Mr Attorney General it was stated that Wm M. McPherson Esquire of Virginia, Thomas Morton Jr. and Augustus K. Fiske Esquires of Pennsylvania and Joseph M. Field Esquire of Ohio had been admitted to practice as Attorneys and Counsellors of this Court and they were severally sworn accordingly

Tuesday December 18th 1821 Continued

On motion first made to the Court in this behalf by Mr Record. It is ordered that J. Rogers Esqr of South Carolina be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

John W. Harborough, Trustee &c	vs.	Appellt
Bank of the State of Georgia &c		

115

Mr Boyle in behalf of Mr. Webster of Counsel for the appellant moving the Court that the appointment of J. J. Kennedy as Trustee in the place of John W Harborough might be filed in this case in pursuance of the order of this Court at its last Term & that the 9th day of February next mov. the Court that the appearance of said J. J. Kennedy be entered as an appellant in this cause with leave to prosecute this appeal. Whereupon this Court not being now sufficiently advised of and concerning what order to make in the premises doth time to consider.

Tuesday December 4th 1906 continued

129	John H. Yarbrough Trustee &c et al Appts v. The Bank of Louisiana	Mr Boyce in behalf of the Appellee of Counsel for the Appellants stated to the Court that the appointment of S. L. Kennedy as Trustee in the place of John H. Yarbrough dec'd had been filed in this case in pursuance of the order of this Court at its last term to wit, the 19th day of February 1906 and this Court that the appearance of the said S. L. Kennedy be entered as an appellant in this cause with leave to prosecute this appeal Whereupon this Court not being now sufficiently advised of and concerning what order in the premises took time to consider
19	José Trujillo Villalobos et al Appts v. The United States	On the application of Mr Butler of Counsel for the Appellants. It is ordered that leave be and the same is hereby granted him to file a printed argument in reply to the argument of the Attorney General on the motion to dismiss this case.

1811.

Tuesday December 24th 1811 Continued

	Richard Dain Surfe	The argument of this cause was
24.	pl. Appt	continued by Mr Dudley for the
	Mary Heath	appellee and concluded by Mr.
		Johnson for the Appellants -

Proclamation being made the Court is accordingly until tomorrow morning at Nine o'clock

Wednesday December 15th 1824

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Peter B. Porter	Chief Justice
	John W. Taylor	
	James D. Brown	
	John Galvin	Associate
	Samuel Nelson	Do
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire Attorney
William Thomas Carroll Clerk

Proclamation being made the Court adjourned

David S. Gray admr of C. D. Lee pltff in Er	This cause was argued by the Counsellors and submitted on printed argument by the Attorneys for the defendants in Error
2d vs	
I. B. Thrasher & al	

Ordered that the Plaintiff in Error be allowed to submit a printed argument within four days from this day

Wednesday January 31st 1849

30.	John D. Freeman Jeff in Er. pl't / Wilson D. Harrison	On the Suggestion of Mr Randall that Genl Jones the Counsel for the plaintiff in error is absent

undersigned. It is ordered by the Court that this cause be and the same is hereby postponed for the present.

31.	The Planters Bank of Mississippi Plff in Er. / Thomas L. Sharp et al	It is ordered by the Court that this cause be argued in connection with No 34.
32.	Richard Rice & D. W. Coit Plff in Er. / The United States	The argument of this cause was commenced by Mr. Coit for the plaintiff in error.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.

Pursuant to adjournment the Court met this [illegible]
ing at the Capitol

Present

The Honorable	Peyton P. Farmer	Chief Justice
	John McKean	
	James H. Brown	
	John Calvit	[illegible]
	[illegible]	[illegible]
	Sci Woodruff	
	Robert L. Crain	

Alexander Hunter Esquire Marshal
William Stewart Esquire [illegible]

Proclamation being made the Court is opened

On motion first made to the C[illegible]
this behalf for Mr Attorney General It is or
dered that S W Downs Esquire of Louisiana be admit
ted practice as an Attorney and Counsellor of th
Court and he was duly sworn accordingly

Thursday December 22 1842 Continued

32.	Richard Kings & D. W. Coit pl. Jeffris &c. The United States	The argument of this cause was continued by Mr. Coit for the plaintiffs in error and by the Attorney General for the defendants in error
19.	Wm. Angel & Nicholas Van pl. Appts The United States	This cause was submitted by Mr. Justice on a printed argument for the appellants.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'clock

pursuant to adjournment the Court met this
day at the Capitol

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

William Thomas Carroll, Clerk

proclamation being made the Court is opened.

James S. Thomas appellant	
vs	Appeal from the
Samuel Matthews	Circuit Court of the United States
	for the Southern District
	of New York

Mr Howard of Counsel for the appellant in this cause filed and read in Court the following certificate, to wit

"United States of America

Southern District of New York ss

Friday December 1st 1843 Continued

Samuel Mathews
vs
Lawson & Henderson, Clerk

Judgment on scire facias on the 12th day of May A.D. 1843 for the following named negroes slaves, to wit, Andrew of the value of $800. Frank of the value of $800 Jem of the value of $700. Palmer of the value of $400. Grundy of the value of $200. Martha of the value of $900 and Biddy of the value of $200; or their value as assessed, viz, $3310 with interest thereon at the rate of 8% per centum per annum till paid and costs at suit.

I, William H. Brown Clerk of the [illegible] do hereby certify that the foregoing is a true and correct abstract of the Judgment in the above stated case, and that on the 21st day of May A.D. 1843 a writ of error Bond was filed and approved in open Court, and that the writ of error has been duly sued out and allowed.

In Testimony whereof I have hereunto set my hand and affixed the Seal of said Court at Jackson, the 1st day of Dec A.D.

W. H. Brown.

Clk

and having stated that the plaintiff in [illegible]

Friday January 9th 1857 Continued.

has altogether failed to file the record of said case in this Court, or in any way to prosecute said writ of error now here moved the Court, in pursuance of the 13th rule of this Court to have the writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that the writ of error to the Circuit Court of the United States for the Southern District of Mississippi be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and justice the said writ of error notwithstanding.

Jesse Walker, Executor &c. Robert A. James, Ellyson Gayle, John Gayle and Edward A. Hall	In Error to the Supreme Court of the State of Alabama
1857 (No. Fifty six) The Branch of the Bank of the State of Alabama at Mobile	Mr Sayre of Counsel for the defendant in error having filed a transcript of the record in the foregoing cause whereby it appears

that judgment was given in said Supreme Court in January 1847, affirming the judgment of the Circuit Court of Mobile County in the [illegible] writ of error was duly sued out by said defendant to remove said cause to this Court, which said writ of error was made returnable to December Term 1847 and hereto fore, to wit, that the said plaintiffs in error have hitherto failed to file the record in this Court or in any way to prosecute said writ of Error, now here moved the Court in pursuance of the 43d rule of this Court to have this writ of error docketed and dismissed. On consideration whereof, It is now here ordered and adjudged by this Court that this writ of error to the Supreme Court of the State of Alabama be and the same is hereby docketed and dismissed with costs, and that this cause be and the same is hereby remanded to the said Supreme Court for further proceedings to be had therein in conformity to law and justice the said writ of error notwithstanding.

Jo. Mr. Mc. Sup. Court.

Friday December 7th 1855 Continued

125	Cary Ann Van Ne[illegible] Appellant vs Cornelius P. Van Ne[illegible] admr. &c John P. Van Ne[illegible] dec[illegible]	The arguments of the counsel to be resumed when the cause was ordered to stand over at the request of the [illegible]

by the [illegible] and [illegible]

166	A. W. & L. Bennett, Complts vs Thomas C. Sheldon & al	This case was sub- mitted to the Court on the record and printed argu- ments by Mr. Vest for the ap- pellants and Mr. Hand for the appellants

Parliament has not to sit again
until Monday morning at eleven O'Clock

3620

Monday January 21st 1839

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Joseph Story	
	Levi Woodbury	
	Robert C. Grier	

Thomas Ewing Esqr Attorney

William Gaston Esqr Counsel

Proclamation being made the Court is opened.

George Smith. Jeff in Er.	The argument of this cause
vs	was commenced by Mr. Ogden
William Lane, Marcus	for the plaintiff in Error
Commissioner &c.	

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	[illegible]	
	James M. Wayne	
	[illegible]	
	[illegible]	
	[illegible]	
	[illegible]	
	John Catron	
	Robert C. Grier	

Alexander Hunter Esquire, Marshal

William Thomas Carroll, Clerk

Proclamation being made the Court &c.

Upon the motion of [illegible] Esq. of counsel for the plaintiff in error, it is ordered by the Court that the writ of error in this cause be dismissed with costs, on the authority of the case of Thomas Gaines

for the Southern District of Mississippi

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel

Sunday December 31st 1837 Continued

On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby affirmed with costs and damages at the rate of Six (6) per centum per annum.

Pr. Mr. Ch. Jus. Taney.

William M. Gwin, late marshal of the Southern District of Mississippi and Isaac S. Morgan, and Robert Hughes his securities

vs.

H. S. & A. Porter

In Error to the Circuit Court of the United States for the Southern District of Mississippi

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice and

In conformity to the opinion of this Court

pr Mr Ch Jus Taney

The President, Directors & Company of the Bank of the United States	In error to the Circuit Court of the United States for the Southern District of Mississippi
26. pr.	pr.
Isaac Thorn, William H. Shelton & Co.	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Southern District of Mississippi and was argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in the cause dismissing this cause be and the same is hereby reversed with costs and that this cause be and the same is hereby remanded to the said Circuit Court with directions to proceed to trial and judgment in this cause in that Court before the said judgment dismissing the same

pr Mr Jus Wood[illegible]

1824.

Tuesday December 21st Continued

7	George Smith Plff in Er. vs. William Turner, Smith Count Dft	The argument of the cause was continued by Mr. Wills Hall for the defendant in Error

Proclamation being made the Court is adjourned until to morrow morning at nine O'clock

pursuant to adjournment the Court meet this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	John A. Campbell	Justices
	Peter V. Daniel	
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Benjamin Robbins Curtis Esquire

William Thomas Carroll Clerk

Proclamation being made the Court is opened

No 4 Writ of Error	
vs	
Josiah Stanbrough	

This cause coming on to be heard on the transcript of the record from the Supreme Court of the State of Louisiana and was

argued by Counsel. On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Supreme Court in this cause be and the same is hereby affirmed with costs.

per Mr Justice Catron

George Smith, Jeff in Cr. Pl.	The argument of this cause was continued by Mr Van Buren for the defendant in Error.
7 George Turner, Health Commissioner &c	

Proclamation being made the Court is adjourned until to morrow morning at eleven O'Clock

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable | Roger B. Taney | Chief Justice
Joseph Story
Henry Baldwin
John Catron
John McKinley
Peter V. Daniel
Samuel Nelson
John McLean
Robert C. Grier
[illegible]
[illegible]

Proclamation being made the Court is opened

On motion first made to the Court on his behalf by Mr. Van Buren it is ordered that Orlando Bolivar Esq of New York be admitted to practice in this Court and be assigned to the Bar of this Court, and he was duly sworn accordingly

Thursday December 31st 1818 Continued

[illegible]	The argument of this cause was concluded by Mr. Webster for the plaintiff in error

[illegible] adjourned to the first Monday in February next at eleven o'clock

[illegible] ings at the Capitol

Present

The Honorable	[illegible]	[illegible]
	[illegible]	
	[illegible]	
	John Cotton	Absent
	Elbert S. Corning	[illegible]
	[illegible]	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Senior, Marshal
William Thomas Carroll Clerk

[illegible]

On motion leave was granted to the [illegible] behalf by Mr. Van Buren. It is ordered that [illegible] Esquire of New York be admitted to [illegible] as an Attorney and Counsellor of this [illegible]

On motion first made to the Court in this behalf by Mr. Crittenden. It is ordered that

Order Directing Writ of Error to be issued

William F. Haskell Esquire of Tennessee be admitted to practice as an attorney and counsellor of this Court and he was sworn accordingly.

John McKean, Frances McKean and Alfred Caldwell Gray & Ann his wife	In Error to the Circuit Court of the United States for the Middle District of Tennessee
130 vs Appts.	
Matthew Clyne & Co. for use &c. Copy of assts of Miles McKean, dec'd	

This cause came on to be heard on the transcript of the record from the Circuit Court of the United States for the Middle District of Tennessee, and it appearing from the stipulation of the Counsel of the respective parties on file that the matters in controversy in this case have been settled and compromised between the parties, It is therefore now here ordered and decreed by this Court that this cause be and the same is hereby dismissed on the terms of said Stipulation and compromise.

Pr. Mr. Ch. Jus. Taney.

118. Joseph S. Kennedy Trustee &c
of Henry Shultz
vs
Bank of the State of Georgia

On consideration of the motion made on the part of the Plaintiff by the Counsel for the Appellee on a prior day of the present Term of this Court, to wit, on Tuesday the 1st inst. and of the appointment of Joseph S. Kennedy, Trustee for the Creditors of Henry Shultz, and for Henry Shultz an insolvent debtor in the place of John W. Yarborough late trustee dec'd, filed in this cause It is now here ordered by this Court that the appearance of Joseph S. Kennedy Trustee for the creditors of Henry Shultz, and for Henry Shultz an insolvent debtor be entered as an appellant in this case in the place of John W. Yarborough late trustee dec'd with liberty to prosecute this appeal.

120. Joseph S. Kennedy, Trustee &c
Henry Shultz
vs
Bank of the State of Georgia

On consideration of the motion made in this cause by the Solicitor of Counsel for the Appellant, on a prior day of the present Term of this Court, to wit, on Tuesday the 1st inst. and of the appointment of Joseph S Kennedy, Trustee for the creditors of Henry Shultz

Circuit Court of Jefferson County

[illegible] for Henry Shultz as [illegible] in the place of John W. Yarbrough late Sheriff deceased, filed in this cause. It is now here ordered by this Court that the appearance of Joseph F Kenney, Esqr for the executors of Henry Shultz and for Henry Shultz an insolvent debtor be entered as an appellant in this case in the place of John W. Yarbrough late Sheriff, deceased, with liberty to prosecute this appeal.

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proclamation being made the Court is adjourned until tomorrow morning, at eleven O'Clock.

Monday December 24th 1827

Whereupon it is ordered that the Court do not sit
ing at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Thomas Lincoln Casey Esquire Chief
William Thomas Carroll Clerk

Proclamation being made the Court is o[pened]

3. James Morris Aff in Er. vs. The City of Boston

The argument of this cause was commenced by Mr Choate for the plaintiff in Error.

Proclamation being made the Court is adjourned
until tomorrow morning at Eleven O'Clock

Monday December 30th 1850

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire, Marshal

William Thomas Carroll, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in this behalf by Mr Webster. It is ordered that Wm Brigham Esquire of Massachusetts be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

3.	James Norris - Jeff'n & al vs The City of Boston	The argument of this cause was continued by the Court to the next term
11	Jonathan Hunt & al in the name & behalf of the Boston Manufacturing Company vs The Merchants Bank of Boston	The argument of this cause was commenced by Mr Jones for the plaintiffs
29	David P. Brown assignee of C. L. Lee - Jeff'n in Er. vs I. B. Thacher use of Mr Sellers.	This cause was submitted to the Court on a printed argument by Mr Parker for the plaintiff's in error

Further hearing was the Court adjourned until tomorrow morning at eleven O'clock

Wednesday December 29th 1847

pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Henry Wheaton Esqr. Reporter

Mr. [illegible] Clerk

Proclamation being made the Court is opened

The New Jersey Steam Navigation Company.	The argument of this cause was continued
11. No. The Merchants Bank of Baltimore	by Mr. Jones for the appellant.

Proclamation being made the Court is adjourned until to-morrow morning at 12 o'Clock

Thursday January 20th 1831

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	John Catron	Associate
	John P. Daniel	
	Joseph Story	
	Henry Baldwin	
	Smith Thompson	

Norman Hamilton Esqr. Marshal

William Thomas Carroll Clerk

[illegible] came on to be heard

The United States - Appellants	On a certificate of division
vs	in opinion between the Judges
James & John P. Daniel,	of the Circuit Court of the
Executors of Emily Daniel,	United States for the District
late United States Marshal &c.	of Maryland &c.

And the same came on to be heard on the Transcript of the record from the

Tuesday December 30th 1845 Continued

Circuit Court of the United States for the District of North Carolina, and on the point or question on which the Judges of the said Circuit Court were opposed in opinion and which was certified to this Court for its opinion agreeably to the act of Congress in such case made and provided, and was argued by Counsel. On consideration whereof, It is the opinion of this Court that the action in the said proceedings mentioned did not lie. It is therefore now here ordered and adjudged by this Court that it be so certified to the said Circuit Court.

Per Mr. Justice Nelson

The New Jersey Steam Navigation Company Appt v. The Merchants Bank of Baltimore	The argument of this cause was continued by the Court for the defendant

And no order being made the Court is adjourned until tomorrow morning at eleven O'Clock

Pursuant to adjournment the [illegible]
at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McKinley	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	[illegible]	
	[illegible]	
	Robert C. Grier	

Alexander Hunter Esqr Marshal
William Thomas Carroll Clerk

Proclamation being made the Court adjourned

[illegible]	[illegible]
Monday	Next	was continued to the [illegible]
11.	[illegible]	for the [illegible]
[illegible]		

Proclamation being made the Court adjourned
[illegible]

1848.

Boston January 3d 1848.

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	[illegible]	
	[illegible]	
	[illegible]	
	Peter V. Daniel	
	[illegible]	
	Levi Woodbury	
	[illegible]	

Alexander Hunter Esquire Marshal

William Thomas Carroll Clerk

[illegible] being made the Court is opened

The New Jersey Steam Navigation Co. vs Jersey Appl.	The argument of this cause was continued on behalf of Greene & Webster for the appellee
No. 1	
The Merchants Bank of Boston	

Proclamation being made the Court is adjourned until [illegible] morning at 10 o'clock

[illegible] pursuant to adjournment the Court [illegible] at the Capitol

Present

The Honorable	Henry D. [illegible]	[illegible]
	[illegible]	
	James M. Wayne	
	John Catron	[illegible]
	Peter V. Daniel	[illegible]
	[illegible]	
	Levi Woodbury	
	Robert L. [illegible]	

[illegible] Hunter Esquire [illegible]
[illegible]

Proclamation being made the Court [illegible]

William Bailey - Deft in Er vs William B. Dozier	Error to the Circuit Court of the United States for the Southern District of Mississippi

24.

This cause came on to be heard on the Transcript of the record from the Circuit Court of the United States for the Southern District of

Mississippi and was argued by Counsel - On consideration whereof, It is now here ordered and adjudged by this Court that the judgment of the said Circuit Court in this cause be and the same is hereby reversed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court with directions to award a venire facias de novo -

Mr Justice Nelson

The New Jersey Steam Navigation Company Plaintiffs in Error vs The Merchants Bank of Boston	The argument of this cause was continued by Mr Webster for the defendant

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock -

Tuesday January 5th 1847

[illegible] at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	[illegible]	
	James M. Wayne	
	John Catron	Associate
	Peter V. Daniel	Justices
	[illegible]	
	Levi Woodbury	
	Robert C. Grier	

[illegible] Esqr Attorney General

William Thomas Carroll, Clerk

Proclamation being made the Court is adjourned

On motion [illegible] by Mr. McPherson - It is ordered that J. A. Shipherd Esqr of New York be admitted to practice as an Attorney and Counsellor of this Court and do [illegible]

Feb. 1.

Tuesday January 31st 1826 Continued

11	The New Jersey Steam Navigation Company Appt. vs. The Merchants Bk of Boston	The argument of this cause was concluded by Mr Whipple for the appellant
15.	The West River Bridge Company Appt in Er. vs. Joseph Dix & al. and The West River Bridge Company vs. Appt. in Er. The Trus of Trall Tebrook & al	The argument of these causes was commenced by Mr Williams for the plaintiff in Error

Proclamation being made the Court adjourned until tomorrow morning at ten O'Clock

Thursday January 6th 1848

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	[illegible]	
	[illegible]	[illegible]
	Samuel Nelson	[illegible]
	Levi Woodbury	
	Robert C. Grier	

Hugh A. Garland Esquire Attorney of

William Thomas Carroll, Clerk

Proclamation being made the Court is Opened

On motion first made to the Court on the behalf by Wm Coleman Esquire ordered that he the said Esquire of the City of Washington be admitted to practice as an Attorney and Counsellor of this Court and he was Sworn accordingly.

Feb 16.

Thursday January 15th 1830

15.	The West River Bridge Company Plff in Er. vs Joseph Dix & al Defts	The argument of this cause was continued by Mr. Bellamer for the Plaintiff in error and by Mr. Phelps for the defendants in Error
16.	The West River Bridge Company Plff in Er. vs The Town of Brattleborough & al Defts	
17.	José Argoté Villalobos & al Appts vs The United States	Mr Attorney General submitted to the Court a further argument in reply to Mr Ogden and in support of his motion to dismiss the appeal.

Proclamation being made the Court is adjourned until tomorrow (morning) at eleven O'Clock.

Friday January [illegible]

Pursuant to adjournment the Court met this morning at the Capitol

Present

	[illegible]	
	[illegible]	
	James M. Marvin	
	[illegible]	
	Samuel Nelson	
	Ira Mitchell	
	Robert C. Grier	

[illegible]
William Thomas Garrett Clerk

Proclamation being made the Court [illegible]

The motion first made to the Court [illegible] on behalf by Mr Attorney General [illegible] it is ordered that James H. Thomas Esquire of Tenn. be admitted to practice as an Attorney and Counsellor of this Court and [illegible]

No. [illegible] Error to [illegible]

Thomas Cooperwood plff in Er. | In error to the District
vs. | Court of the United
Henry A. McGhee admr of estate | States for the Northern
of Peter W. Taylor, decd | District of Mississippi

[illegible]

[illegible] produced in open Court the following Certificate, to wit:

"United States of America

Northern District of Mississippi.

I, Gabriel M. Woodside Clerk of the District Court of the United States for the Northern District of Mississippi certify that Henry A. McGhee administrator of estate of Peter W. Taylor, deceased, recovered judgment in said District Court, at the December Term thereof A.D. 1846 against Thomas Cooperwood for the sum of Two Thousand Six Hundred and [illegible] dollars and fifty cents, ($2650.50) damages and also the costs of suit.

I further certify that the said Thomas Cooperwood hath prosecuted a writ of error returnable to the Supreme Court of the United States, at the December Term thereof A.D. 1847, to reverse said [illegible]

a law and that citation hath been duly issued
upon defendant in Error as the premises aforesaid
and admonishing him to be and appear at said
Supreme Court at the Seat of Justice aforesaid on
the ... day ...

In Testimony whereof, I have hereunto
set my hand and affixed the seal
Seal of said District Court at office
Columbus, the 26th day of Novem
A.D. 1849

S. M. Swayne Clerk

and praying that the plaintiff in E.
said altogether failed to file the record of said
case in this Court, as in such case by law provided
said writ of error, whereupon the Court
in pursuance of the 33d rule of this Court
have this writ of error dismissed and dismissed
the cause from the docket. It is now here ordered
and adjudged by this Court that this writ of
error to the District Court of the United States
for the Northern District of Mississippi be and
the same is hereby dismissed and dismissed with
costs, and that this cause be and the same
is hereby remanded to the said District Court
for further proceedings to be had therein

Friday January 5th 1848 Continued

conformity to law and dismiss the said writ of error notwithstanding

By Mr. Ch. Jus. Taney

3.	The West River Bridge Company pl. in er. vs. Joseph Dix & al. def. in er.	The argument of this cause was continued by Mr. Phelps for the defendants in error and concluded by Mr. Webster for the plaintiffs in error.
16.	The West River Bridge Company pl. in er. vs. The Town of Guilford & al. def. in er.	
32.	Richard Rush & Paul K. Cole pl. in er. vs. The United States def. in er.	On the motion of Mr. Gilpin of Counsel for the plaintiffs in error. It is now here ordered by the Court that this cause be dismissed from the docket and mandate
15.	Peter Hogg & Cornelius K. Dickerson def. in er. vs. John F. Emerson pl. in er.	Mr. Sargent of Counsel for the plaintiffs in error having suggested the pendency of a diminution of the record in

this cause, in this, to wit

"That the record was not certain & perfect of the judgment in said cause rendered

in pursuance of which omissions and errors

prayed the said [illegible] the Court to award a writ of Certiorari to be directed to the Judges of the [illegible] commanding them that searching the records and proceedings of the said Court in this cause they shall certify to this Court under the seal of the said Circuit Court whatever omissions and errors shall be found - On consideration whereof it is now here ordered and adjudged by this Court that a writ of Certiorari be and the same is hereby awarded to be issued forthwith, and to be directed to the Judges of the said Circuit Court commanding them to certify under the seal of the said Circuit Court [illegible] and errors if any there be found in this cause and return the same with the writ of certiorari forthwith to this Court

Ct. pr. Mr. Clk. Sup. Court

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proclamation being made the Court is adjourned until Monday morning at eleven O'Clock

5657.

Monday January 1st 1848

Pursuant to adjournment the Court met this morning at the Capitol -

Present

The Honorable	Roger B. Taney,	Chief Justice
	John McLean	
	[illegible]	
	[illegible]	[illegible]
	[illegible]	[illegible]
	Levi Woodbury	
	[illegible]	

Hon. [illegible] Esquire, Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is adjourned

Hanson Trigg & John Trigg pltffs in Er.	In error to the Circuit
199	Court of the United States
Gordon & Kent	for the District of West Tennessee.

The Transcript of Record for the aforesaid writ of Error having filed and read in open Court the following [illegible]

"Circuit Court of the United States for the District of West Tennessee

Jordan C. Hunt - plaintiff

vs

Stanson Trigg & John Trigg - Defts

I, James L. Sadler, Clerk of the Circuit Court of the United States for the District of West Tennessee, do hereby certify that on the 11th day of October, 1836, John Trigg and Stanson Trigg prayed and obtained a writ of error from the judgment of the said Court to the Supreme Court of the United States then at the City of Washington; wherein, Jordan C. Hunt obtained an judgment against the said Stanson Trigg & John Trigg for the sum of Twenty one hundred and forty five dollars and eleven cents, with costs of suit

In Testimony whereof I have hereunto set my hand and affixed the seal of said Court. Done at office in the City of Jackson, on the 25th day of October Anno Domini, one thousand eight hundred and forty seven and in the 71st year of American Independence

Jas L. Sadler Clk

and having filed that the said writ of error has altogether failed to file the record

Monday January 11th 1847 Continued

of said case in this Court, or in any way to prose-
cute said writ of error nor have moved the Court
in pursuance of the 32d rule of this Court to have
this writ of error docketed and dismissed – Con-
sideration whereof It is now here ordered and
adjudged by this Court that the writ of error
to the Circuit Court of the United States for the
District of West Tennessee be and the same is
hereby docketed and dismissed with costs; and
that this cause be and the same is hereby
remanded to the said Circuit Court for fur-
ther proceedings to be had therein in conformity
to law and justice, the said writ of error and
citation notwithstanding –

per Mr. Chief Justice Taney

Richard Biggs & Co. } vs. } The United States }	The argument of this cause was continued by Mr. Attorney General for the defendants in error –

32.

Proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock –

Monday January 11th 1813

Pursuant to adjournment the Circuit Court
sung at the Capitol

Present

The Honorable [illegible] Chief
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

Whereupon being moved the Court to appoint

[illegible] Esquire Clerk pro
tempore in the
absence of the
Clerk of this
Court for the
ensuing year
whereupon the
Court appointed
the said
[illegible]
Clerk accordingly
who took the
Oath prescribed
by Law and
entered into
Bond with
[illegible]
his Securities
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]

on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Michigan, and on the points and questions on which the Judges of the said Circuit Court were opposed in opinion and which were certified to this Court for its opinion agreeably to the act of Congress in such case made and provided and was argued by Counsel. And it appearing to this Court upon an inspection of the said transcript that no point in the case within the provisions of the act of Congress has been certified to this Court but the whole matter was ordered and adjudged by this Court that this cause be and the same is hereby dismissed, and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law.

per Mr. Chief Justice Taney.

Richard Kirby & Daniel M. Cox vs Jeffs in Er The United States	The argument of this cause was continued by Mr. Griffin for the plaintiffs in error

Proclamation being made the Court is adjourned until tomorrow morning at 10 o'clock.

Wednesday January [illegible]

pursuant to adjournment the Court met this morning at the Capitol

Present

The Hon. [illegible]	[illegible]	[illegible]
	Elias Wm Dean	
	Samuel De Mayne	[illegible]
	Samuel Allison	[illegible]
	[illegible]	
	Robert [illegible]	
[illegible]	[illegible]	[illegible]
William	Thomas Carroll	Clerk

Memorandum being made the Court is opened

The United States ex rel	In error to the Circuit Court
Horatio T Morgan	of the United States in the
56. and [illegible] in Error	District of Columbia holden
The Mayor, Board of Aldermen	in and for the County of
& Comm[illegible] [illegible]	Washington.
of the City of Washington	

The record and proceedings in this cause coming on to be heard on the transcript of the record from the Circuit Court of the United States for the District of Columbia holden in and for the County of

Wednesday January 15th 1818 Continued

Washington and on the motion of Mr Brent of Counsel for the plaintiff in error, to dismiss this writ of error it is upon hearing argument and consideration by this Court that this writ of error be and the same is hereby dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court to be proceeded in according to law and justice

Ord. Ent. Ct.

Mary Ann Van Ness pltff in e.	The argument of the
145. vs	motion to dismiss this
Cornelius P. Van Ness exrs of	writ of error was con
John P. Van Ness	tinued by the Court
	against the motion

and by the Parties in behalf of the same

[illegible]

Thursday January 12th 1815

Pursuant to adjournment the Court met this
at the Capitol

Present

The Honorable	Tom P. Cowen	Chief Justice
	John Mc Lean	
	James M. Mason	
	Edw. D. Daniel	Assistant
		Justices
	J. Marshall	
	Robert G. Scott	

Thos. [illegible] Esqr. Attorney
William Thomas Carroll Clerk

Proclamation being made the Court is open

On motion first made to the Court on
behalf by Mr. Clay. It is ordered that John
Esquire of [illegible] and
Esquire of New York be admitted to practice as
Counsellors at Law in this Court and
and thereupon have accordingly

On motion first made to the Court on
their behalf by Mr. Webster. It is ordered that

Thursday January 13th 1848. Continued

Frederick A. Tallmadge and A. R. Root Esquires of New York be admitted to practice as attorneys and counsellors of this Court and they were severally

Mary Ann Van Ness. Appt in dr. v. Cornelius P. Van Ness exor of John P. Van Ness.	The argument of the motion to dismiss this writ of error was continued by Mr. Bradley in support thereof.
Henry Mathewson - Appt v. John H. Clark exor of Willard W. Wilmore -	The argument of this cause was commenced by Mr. A. G. Greene for the appellant.
Charles Patterson - Appt v. Eunice P. Caines & Eliza Clark Caines, his wife	On appeal from the Circuit Court of the United States for the [illegible] District of Louisiana.

An opinion was delivered by the Court upon the transcript of the record from the Circuit Court of the United States for the Eastern

District of Louisiana, and upon the arguments of Counsel as well for the appellants as for the appellee, this Court, upon consideration of the premises, doth now here adjudge, order and decree that the decree of the said District Court be and the same is hereby reversed with costs, and that said other proceedings in the premises be further had as is agreeable to law and right.

And this Court doth further adjudge that so much of the decree in this cause of the said District Court appealed from, as declares, adjudges and decrees that the said Julien Poydras was entitled to the property in the bill and proceedings mentioned as the property of Pierre Gabriel Berthelot, and that the said Julien Poydras was entitled to the property in the bill and proceedings mentioned,

as such, was exclusively invested with the character of this proper suit, and entitled to all the rights of such [illegible]

[illegible] and avers, that all the property, described and claimed by the defendant Patterson in his answer and supplemental answer and in the exhibits thereto annexed, is part and parcel of the property composing the succession of said Daniel Clark: that the defendants, Richard Relf and Beverly Chew, at the time and times when, under the pretended authority of the testamentary executors of the said Daniel Clark, and of Attorneys in fact of the said Mary Clark in the will and proceedings mentioned, [illegible] the property so described and claimed by the defendant Patterson, to be put up and sold at public auction in December, 1820, and when they executed their act of sale, dated on the 18th February, 1821, to Gabriel Berrejolles for the lots therein described (which lots constitute the same property described and claimed by the defendant Patterson as aforesaid) had no legal right or authority whatever, to sell and dispose of the same, or in any manner to alienate the same: that the said [illegible]

Thursday January 8th 1818 Continued

the said sale of said to Corregalles in pursuance of the previous sale at auction, were wholly unauthorized and illegal, and are utterly void & of no effect; and that the defendant Patterson at the time and times when he purchased the premises as described and claimed by him as aforesaid, & before the said Corregalles the tenant of the defendant Kelp and others, and the residue from Edward Bonnier the tenant of said Corregalles & the tenant of the same as tenants & were bona fide ignorant of the [illegible] the doings and doings of the said defendants in the premises illegal, null and void; and that he ought to be deemed and held, and hereby is deemed and held, to have purchased the premises in question with full notice that the said sale at auction under the pretended authority of the said defendants and their said sale to Corregalles, were illegal, null and void and in fraud of the rights of the persons entitled to the premises of the said Edward.

And the said Court doth further [illegible] order and decree, that all the pretended claim and title by the defendant Patterson as [illegible]

Thursday January 13th 1848 Continued

and now remains, unaliened and unmisposed of, as parts and parcel of the succession of the said Daniel Clark, notwithstanding such sale at auction and act of sale in the pretended name & under the pretended authority of the defendants Relf & Chew.

And the Court doth further adjudge, order and decree that the Complainant, Eliza Clark Daniel is justly and lawfully entitled as the only forced heir of said Daniel Clark, to her legitimate portion of four fifths of the said succession, and to have four fifths of the property, so claimed and held by the defendant Patterson as aforesaid duly partitioned assigned and delivered or paid over to her, together with four fifths of the profits and fruits accrued or for the same since the same came into the said defendants possession; and for which the said defendant is hereby ordered and decreed to account to the said Complainant.

And the Court doth now here remand this cause to the said District Court for such further proceedings, as may be [illegible]

directions; that is to say

1. To cause the said defendant Catherine forthwith to surrender all the property, as mentioned and set by him as aforesaid into the hands of such Executor, Commissioner, or Trustee as the said Court may appoint for the purpose; to whom duly it shall be the duty of the said [illegible] to convey the said property to the best advantage for the whole matter and application of the proceeds thereof in the portions [illegible] being the said [illegible] of the said property [illegible] to be by him duly paid, satisfied and discharged, as a part of the execution of the said David Black and in the meantime to collect and receive all the rents issues and profits of the same and to account and bring the same into Court to be there dealt with, and finally disposed of, or in case [illegible] for further directions

2. To cause four fifths of the proceeds claimed and held by the defendant Catherine as aforesaid, to be duly partitioned, and the said sealed and delivered over to the said Complainant, and to retain the residue subject to further directions for the application of the same; which either party may be

Thursday January 13th 1848 Continued

at liberty to move for; and if the same be found and found indivisible by its nature, or cannot be conveniently divided, to cause it to be sold by public auction, after the time of notice and advertisements, and as near as may be, in the manner prescribed by law in the judicial sale of the property of successions: And, in case of such sale by auction, to affirm and pay over four fifths of the net proceeds of such sale to the said Complainant, and to retain the residue subject to further direction as aforesaid.

To cause an account to be taken by the proper Officer of this Court, and under the authority and direction of this Court, to the end with one fourth part of the rents and profits arising from the said property since it came into the possession of the defendant Fullerton; and four fifths of the same to be accounted and paid to the said Complainant, and the residue to be retained subject to such further directions as aforesaid.

4. To give such directions and make such orders from time to time, as may be proper and necessary for carrying into effect

the foregoing directions and for enforcing the due observance of the same by the parties and the officers of the Court

Ex. Mr. Jus. Vanse

"Mr. Chief Justice Vanse does not sit in the cause, a near family relation being interested in the result."

"Mr. Justice [illegible] does not sit in the cause, he being interested in the result."

"Mr. Justice [illegible] does not sit in the cause, he being [illegible] of [illegible]"

Proclamation being made the Court was counsel on both sides were called

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Friday January 11th 1828

Pursuant to adjournment the Court met this morning at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	[illegible]	
	[illegible]	[illegible]
	[illegible]	[illegible]
	Levi Woodbury &	
	Robert C. Grier	

Alexander Hunter Esquire Marshal
William Thomas Carroll Clerk

Proclamation being made the Court is opened

Thomas Davis - Plff in Er vs William M. Preston &c.	On the motion of Mr Featherston of Counsel for the plaintiffs in error and with the assent of Messrs Key of Counsel for the defendants in Error - It is now here ordered by this Court that the record in this cause be and the same is hereby amended by substituting a writ of error bond for the original bond now on file.

113

Friday January 14th 1848 Embarra

Henry Robinson - Appt.	The argument of the
v.	cause was continued
Willard H. Mc Lean's admr	by Mr. A. G. L.
	the appellant

Proclamation being made the Court
opened and Judges Turner & Dick

[illegible] to occur [illegible] the seat of Government being at the Capitol.

Present

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	
	[illegible]	[illegible]
	Samuel Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire, Marshal

William Thomas Carroll, Clerk

[illegible] Proclamation being made the Court is adjourned

On motion first made to the Court on this behalf by Mr. Webster. It is ordered that John Jay Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court, and he was sworn accordingly.

On motion first made to the Court on this behalf by Mr. A. G. Greene. It is ordered that Eight Hour Law of the State of New York be received

Kendall Summons & Issue Subpoena

Return of the Officer endorsed on the
back and is as follows, viz:

[illegible]	The argument of this cause was had on the [illegible] by Mr. [illegible] for the [illegible] and by Mr. R. M. Greene for the [illegible]

[illegible] on motion, leave the Court is adjourned
[illegible] Morning at [illegible] o'Clock

1848.

Tuesday January 18th 1848

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney	Chief Justice
	John McKinley	
	James M. Wayne	
	Peter V. Daniel	absent
	Samuel Nelson	absent
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire, Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened

On motion first made to the Court in his behalf by Mr. A. L. Jones It is ordered that Hunter Farrow Esquire of New York be admitted to practice as an Attorney and Counsellor of this Court and he was sworn accordingly.

Tuesday January 1st 1861

Henry Mathewson - Plff vs Willard W. Mathewson et al	The Engrossment of the amended Complaint by Mr. Justice Hall Esq. on Motion for the Plff

Proclamation being made the Court adjourned
until to morrow morning at Ten o'clock

Wednesday January 10th 1827

Pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Gabriel Duvall	Chief Justice
	John McLean	
	James M. Wayne	
	Peter V. Daniel	Associate
	James Nelson	Justices
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire, Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened.

Lewis Hoyt, Publisher of the Boston Daily Advertiser and Thomas Rose — Appellants

vs.

The United States — Appellees

On appeal from the Circuit Court for the District of West Florida

This cause came on to be heard on the transcript of the record from the District Court of the United States for the District of West Florida and on motion of Mr. Key counsel for the appellants it is ordered by the Court here that the appeal prayed by the

Lapse of time and that the citation is not [illegible] as required by the act of Congress. It is therefore considered and decreed by this Court that this cause be and the same is hereby dismissed, and that this cause be and the same hereby remanded to the said Superior Court to be proceeded in according to law and justice

By Mr. Chief Justice Taney

Ennis Mathews Plt	The appeal of this
vs.	cause was submitted
Willard W. Mahoney & al.	by Mr Mitchell for the
	Appellee and by Mr
	[illegible] for the Appellant

Proclamation being made the Court is ad-
[illegible]

56/15

Thursday January 20th 1848

Pursuant to adjournment the Court met this morning at the Capitol.

Present.

The Honorable	Roger B. Taney	Chief Justice
	John McLean	
	James M. Wayne	Associate
	Peter V. Daniel	Justices
	Samuel Nelson	
	Levi Woodbury	
	Robert C. Grier	

Alexander Hunter Esquire, Marshal
William Thomas Carroll, Clerk

Proclamation being made the Court is opened

Henry Mathewson. Plff. in Er. vs. Willard M. Wilmore's admr.	The argument of this cause was concluded by Mr. Webster for the defendants in Error.
Thomas Davis - plff in Er. vs. William M. Tilleston & Co.	The argument of the Attorney General of Louisiana for the defendants in Error was [illegible]

Thursday January 21st 1841 Continued

Counsel of the respective parties not appearing to submit this cause on printed arguments and pleas. It is therefore now here ordered by the Court that the cause be dismissed

Thomas Davis Jeff'n &c. vs. Wm. D. Martin & Co. 115 Dft

This cause was submitted to the Court on the record and printed arguments by Mr Davis for the Plff in Error and by no Counsel for the Defendants in Error

Mark Pechin & others of Cuyahoga Co. Ohio Plff 203 Dft

Nathaniel G. McLean Assignee of John Mahan & Co Cuyahoga

On appeal from the Circuit Court of the United States for the District of Ohio

Mr McLean of Counsel for the appellee having failed and made default upon the call of the docket, it is ordered by the Circuit Court of the United States for the 7th Circuit and District of Ohio

Nathaniel G. McLean, Assignee of John Mahan & Co Cuyahoga Co.

Dft

The President, Directors & Company of the La-
fayette Bank of Cincinnati; The President,
Directors & Company of the Northern Bank
of Kentucky; Lauren Johnson; John A.
Buckingham; Mark Buckingham; The
Ohio Life Insurance and Trust Company,
The President, Directors & Company of the
Bank of the United States incorporated
by the State of Pennsylvania; James Dun-
das; Mordecai D. Lewis, Samuel H. Jones;
Robert S. Pettricks, and Robert Howell,
assignee &c John A. Groesbeck, John C. Jr.
Culbertson, John Kilgour, David Laine, Chauncey
Fenton Lawson, Lewis Whitman, & William
A. Groesbeck Trustees of the Franklin Bank
of Cincinnati; The Commercial Bank of
Cincinnati; John Mahard, Sen.; William
McIntire, John McLaughlin, George Milne
and Samuel [illegible] surviving partners
in the firm of George Smith & Co. and
B. Dyer; Frederick Sisson, John C. Avery,
late Sheriff & the [illegible] present
Sheriff of [illegible] County.

I William [illegible] Clerk
of the Circuit Court of the United States for the

Thursday January 21st 1819 Columbia

Circuit and District of this district and to that of the November Term A.D. 1816 of this Court a cause was entered in this cause from which an Appeal was prayed by Mark Bucknell and John S Buckingham, and was duly allowed by the Court as appears from the following order of said Court

"And now come the said Mark Bucknell and John S. Buckingham, and pray an appeal to the Supreme Court of the United States from the decree made in this cause which appeal is allowed, and the Court certifies that the amount in controversy in which the said John S. and Mark Buckingham are interested exceeds the sum of one thousand dollars; said appeal is allowed on giving bond in the satisfaction of the Clerk in the sum of five thousand dollars, to prosecute the payment of all costs which may be assessed or decreed against the said John S and Mark Buckingham."

In testimony whereof I have hereunto subscribed my name and affixed the seal of the said Circuit Court at the City of Columbia this 5th day

Monday January 21st 1838 continued

[illegible]

Allen - Wm Minor, 6th [illegible]

now, having stated that the appellants had altogether omitted to file the record of said case in this Court, or in any way to prosecute said appeal - Now here moves the Court in pursuance of the 33d rule of this Court to have this appeal overruled and dismissed - On consideration whereof, It is now here ordered and decreed by this Court that this appeal from the Circuit Court of the United States for the District of Ohio be and the same is hereby overruled and dismissed with costs, and that this cause be and the same is hereby remanded to the said Circuit Court for further proceedings to be had therein in conformity to law and right the said appeal notwithstanding -

per Mr. Ch. Just. Taney

Proclamation being made the Court is adjourned until [illegible]

Tuesday January 21st 1840

Pursuant to adjournment the Court met at the Capitol

Present

[illegible]

Alexander Scott Esquire Marshal

William Thomas Carroll Clerk

[illegible]

Lessee of William L Whittlesey	In error to the
112 vs	Supreme Court of the
Martha A. Taylor & John A. Whittlesey	District of Columbia

This cause came on to be heard on the transcript of the record from the Supreme Court of the District of Columbia for the County aforesaid and on the motion of Mr Thomas Attorney for the plaintiff in Error Making that the motion for reversal in this case have been filed [illegible]

compromised between the parties. It is therefore now here ordered and adjudged by this court that this cause be and the same is hereby dismissed with costs

per Mr. Ch. Jus. Taney

Lewis Landes & George Griswold Trustees of the Mobile Point Company Appts

v.

John and James Cunningham

On appeal from the Court of Appeals for the Territory of Florida

This cause came on to be heard on the transcript of the record from the Court of Appeals for the Territory of Florida and was argued by Counsel. On consideration whereof, It is now here ordered and decreed by this Court that the decree of the said Court of Appeals in this cause be and the same is hereby affirmed with costs and damages at the rate of six per centum per annum. And that the time of redemption be extended to six months from and after the filing of the mandate of this Court in this case in the Court below.

per Mr Jus Grier

11	[illegible]	[illegible]
	Francis D. Conrad	It is now ordered by the Court that the motion to dismiss this appeal be set down for argument for [illegible] next

	John Perkins - Appt.	On motion of the Counsel of
16	vs.	Counsel for the Appellee. It
	[illegible]	is ordered by the Court that the motion of

Mr Henderson to dismiss this appeal be set down for argument the day week the 21st instant

	Martin Luther - Appt in &c.	The argument of this cause
22	vs.	was commenced by the So-
	Luther M. Borden & al.	licitor for the plaintiff in Error

	Rachel Luther - Compt	The argument of this cause was
77	vs.	commenced by the Counsel
	Luther M. Borden & al.	for the Complainant

Cause [illegible] being [illegible] the Court is adjourned

until Monday morning at eleven O'Clock

Monday January 24th 1848

pursuant to adjournment the Court met this morning at the Capitol

Present

The Honorable	Roger B. Taney,	Chief Justice
	John McLean	
	James M. Wayne	
	Samuel Nelson	Associate
	Levi Woodbury	Justices
	Robert C. Grier	

Alexander Hunter Esquire, Marshal

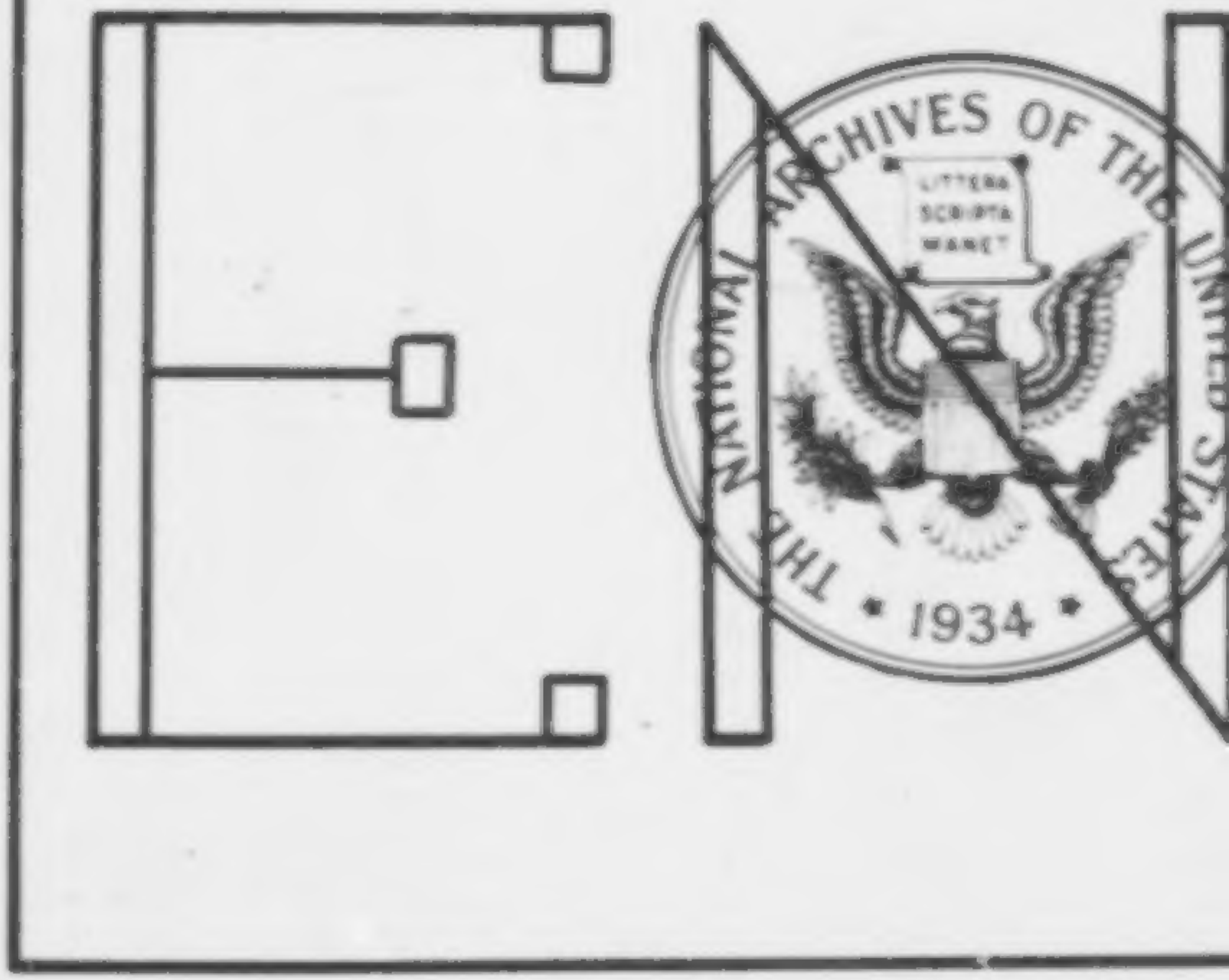
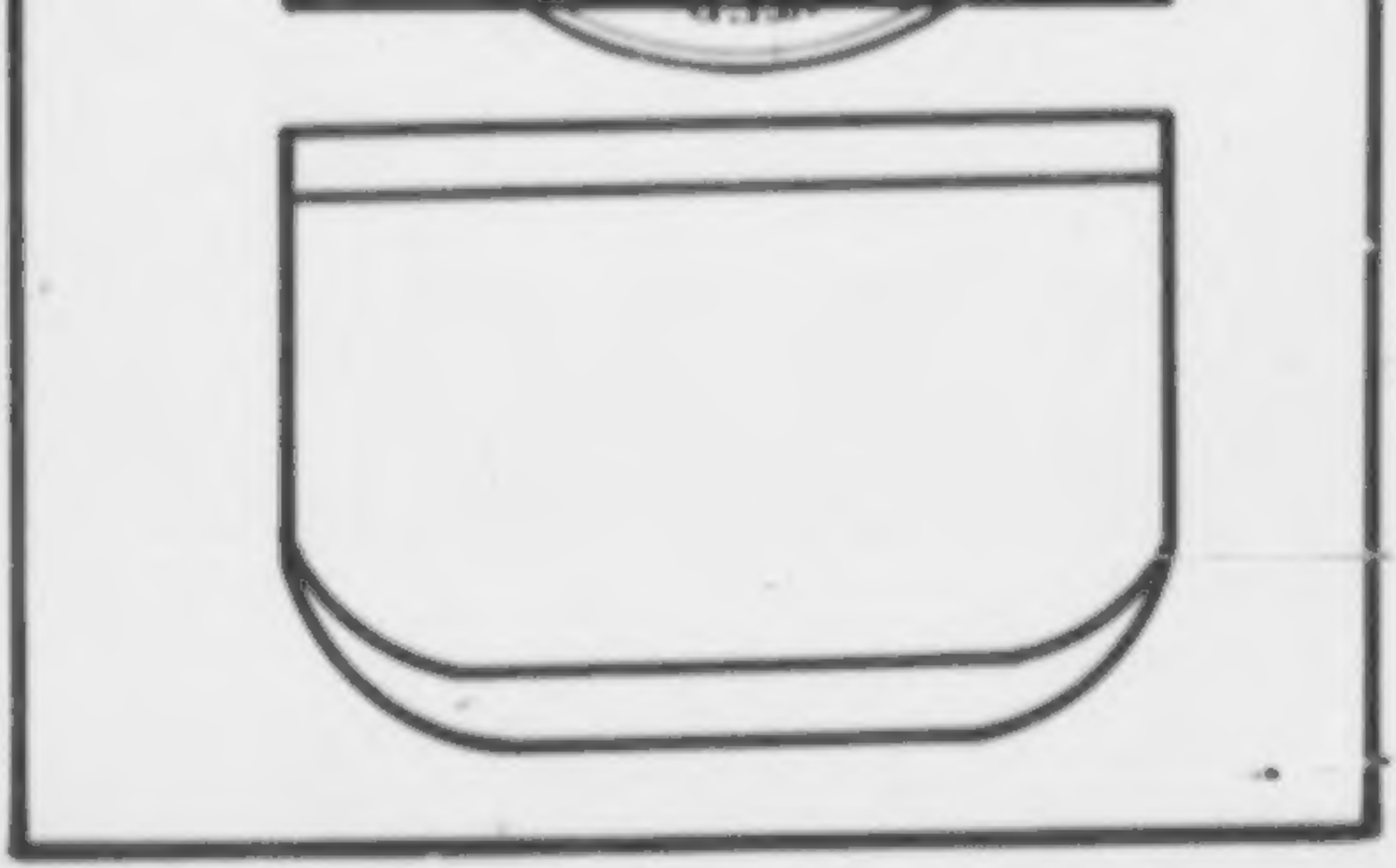
William Thomas Carroll, Clerk

proclamation being made the Court is opened

Martin Luther - pltff in Er. vs. Luther M. Borden & al	The argument of this cause was continued by Mr Hallett for the plaintiff in Error.
44. Rachel Luther - Compt. vs. Luther M. Borden & al	The argument of this cause was continued by Mr. Hallett for the Complainant

22	Pliny Cutler - Appt vs William A. Rea	This cause was submitted to the Court on the record and printed arguments by Mr. Fletcher for the Appellant and by Mr Loring for the Appellee.

proclamation being made the Court is adjourned until tomorrow morning at eleven O'Clock.


NATIONAL ARCHIVES OF THE UNITED STATES
LITTERA SCRIPTA MANET
• 1934 •